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The History of the Society of Writers to  
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Extract from *The History of the Society of  
Writers to His Majesty's Signet*  
(Edinburgh 1890)

Historical Introduction

THE HISTORY OF THE  
HON. MARY ST. JOHN

HISTORICAL INTRODUCTION



# THE SOCIETY OF WRITERS TO HER MAJESTY'S SIGNET

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## CHAPTER I.

### HISTORY OF THE SOCIETY.

THE Society of Writers to Her Majesty's Signet is an ancient and honourable branch of the legal profession in Scotland. Long prior to the establishment of the court of session in 1532, the "wrytaris or clerkis to the signet" existed as a society, and they have formed part of the college of justice since its foundation.

The members of the society hold office under commission from the keeper of the signet, an officer of the crown, who is head of the society. The keeper usually acts by deputy; that is, by a deputy keeper and a body of commissioners appointed by the keeper from among the members of the society. To the deputy keeper and commissioners are intrusted the making of all acts and statutes for the good of the calling, the examination and admission of intrants, the trial and punishment of delinquent members, and the general administration of the affairs of the society.

The writers to the signet are at the present time ordinarily employed as conveyancers, as agents practising in the court of session, as commissioners and factors on landed estates, and as confidential family "men of business," or legal advisers. But in virtue of their original profession, from which they derive

their title, it is still their exclusive office to sign all writs passing the signet, except those requiring the signature of a clerk of the court of session or of the clerk of teinds. They have also exclusively the right of expediting and carrying through crown writs, and of subscribing all notes, writs, and other documents relating thereto.

As members of the college of justice, writers to the signet of a certain standing are eligible, along with members of the faculty of advocates, for the office of principal clerk of session, and, moreover, are by the treaty of union eligible for the bench.

A society long and intimately connected with the procedure of the crown and the courts of law, and not a little concerned with the development of wealth and of liberal education in the country, should possess a record of interest at least to its own members. It is the object of the following pages to trace the origin and progress of the profession which has given to the society its distinctive name, to describe the various duties and privileges which have accrued to the body in the course of time, and to tell the history of its funds and its library, and its connection with the university of Edinburgh and other public institutions.

Origin of society.  
Use of seals.

The precise origin of the society known as the writers to her majesty's signet cannot be clearly ascertained, but was doubtless nearly coëval with the use of the royal seal or signet as the token of authority appended or affixed to documents issued in the name of the king. This custom was seemingly borrowed from the French, and the earliest traces of it in Scotland date from a period some years after the Norman conquest of England. As is well known, before the art of writing became common, seals were used by both the king and his subjects as the sign by which they authenticated the various documents which passed between them and those with whom they dealt either in the affairs of state or in those of private life. Not only writs passing



between sovereigns, but those used in commercial or private business were sealed; and even in ecclesiastical transactions, although the clergy were the chief scribes, seals were used in place of, or in addition to, written subscriptions.

For the purposes of state, from a comparatively early period of Scottish history four seals were used. These were :

Royal seals used  
in Scotland.

*First*, The GREAT SEAL, which, so far as records inform us, appears to have been the earliest in use. It was used for authenticating royal grants of land in the form of charters and confirmations of dispositions by subjects. It was also adhibited to protections, summonses of treason, decrees of forfeiture by parliament and similar writs. From the time of king David I. it was under the care of the king's chancellor.

*Second*, The QUARTER SEAL, known also as "the testimony of the great seal," frequently appended to precepts from chancery for infefting crown vassals in their lands, also to commissions and similar writs, which were likewise issued under the great seal. It does not appear to have been used much before the reign of king James IV.

*Third*, The PRIVY SEAL, found in use in the reign of king David II., and probably of earlier date. It was attached to writs affecting persons, such as presentation to benefices, remissions for crime, gifts of escheat, etc. It also was under the care of a special officer, known as lord privy seal.

*Fourth*, The SIGNET, probably at first the king's own seal, worn on his finger, and adhibited by himself to his correspondence and other documents of a private nature. It came to be used in more public matters, and for documents authorising writs to be passed under the other seals. This seal was consigned to the care of a particular officer of state known as the secretary or lord secretary.

It is from the last-named seal that the society takes its distinctive appellation, and its earlier members were those who

Office of secretary :  
his clerks called  
writers to the signet.

acted as clerks in the office of the king's secretary. This officer was not, like his successors of later times, merely a secretary of state intrusted with political and executive business. He was the king's right hand at the pen, the issuer of the royal manuscript authority, whether for the ends of state policy, for transactions of law, or for private purposes. His clerks were engaged in conducting the public and private correspondence of the sovereign, and, as the signet was the badge of the secretary's office, his assistants came to be styled, and are styled in early records, "wryttaris to the king's singnet."

Their duties.

But the work of the writers to the king's signet was not confined to dealing with the royal correspondence, however important that might be. It was their duty to prepare all warrants for charters or grants to be passed under either the great seal or the privy seal, such warrants being called from an early period "signatures," because they bore the signet of the king. In later times the clerks of the signet signed summonses and other writs pertaining to the supreme court of justice, which affected the person or estate of any of the king's lieges. All such documents ran in the form of *letters* from the king, and were addressed, in the case of signatures, to the chancellor or lord privy seal, and in the other cases, to officers of the law, or to faithful subjects. In this form all such writs were authenticated by the signet, and it became the exclusive privilege of the members of the society to prepare or sign them.

A.D. 1532.

Before 1532 the signet alone was the mark of the king's authority, but after that date the writer was required to sign the writ, not to add weight to the royal signet, but to make him individually responsible to the king for the use of it. When application was made by a subject for the issue of a writ against a fellow-subject for the recovery of a debt, or for the redress of a wrong, a writer to the signet, acting as the king's deputy, made due inquiry as to the justice or reasonableness of the



demand. If he then deemed it proper, he issued the required letters in the king's name, and passed them under the signet, a privilege confined to the members of this society. The functions of a writer to the signet were therefore in early times entirely of an official nature, and so continued down to the beginning of last century.

It will be evident, however, from what has been said, that this society can claim a very ancient descent. The earliest recorded reference to the signet is in the year 1369, when Walter of Wardlaw, who is the first office-bearer recognised by the society, was the "king's clerk" or secretary. Nevertheless the signet must have been in use some time previous to that period. Thus in 1369 and in 1371 parliament enacted that no minister of state should execute any mandate directed to him under the great seal, the privy seal, or the private signet, if such mandate were in prejudice of any person, contrary to statute or common law.<sup>1</sup> On this, as on other points of Scottish history, the scantiness of early records denies us full information. But whatever the date at which a royal signet began to be used in Scotland, the fact that the secretary was known as the king's clerk, and that the writers to the signet were his assistants, indicates that the members of this society are the professional successors of those officials who, in the earlier period of Scottish history, were known as the king's clerks.

The very first of these clerks on record, who has left his name on the writ with an appellation foreshadowing the professional title of this society, is Grento, who wrote the earliest charter known to exist connected with Scotland. This is the charter granted in 1098 by king Duncan II., son of king Malcolm Canmore, conferring certain lands in East Lothian upon the monks of St. Cuthbert.<sup>2</sup> The authenticity of this writ, which was long disputed, is now fully admitted; and in it, along with the royal seal and the crosses or

Early notices  
of the signet.

The king's  
clerks.

<sup>1</sup> *Acts of the Parliaments of Scotland*, vol. i. pp. 535, 547.

<sup>2</sup> Original among Coldingham charters at Durham.



marks appended by the king and his nobles, is to be seen the mark "Grentonis scribtoris," of *Grento the writer*, who penned the charter, and who also wrote at their respective crosses the names of the granter and the witnesses.

The next notice of the king's clerks which can be clearly proved is in the time of king William the Lion, 1165-1214, who had several "clerks." It may be asserted that these were ecclesiastics, but it would appear that all were not so, as we read of Michael, one of king William's clerks, who held the estate of Wymet or Woolmet, near Dalkeith, and he possessed also the small estate of Gilbertston, now represented by the farm of Brunstane, near Joppa. Michael of Woolmet had several children, among whom his estates were divided.

King William's grandson, Alexander III., had at least three clerks, one of whom was Thomas "de Carnoto," a prominent member of the family of Charteris, if not one of its direct ancestors. He was afterwards made chancellor, and has been claimed as the first layman appointed to that office.<sup>1</sup>

The troublous times of the next century deprive us of several links of the chain; but from the time of king David II. and of Walter of Wardlaw we meet with frequent references to the king's clerks. King James I. had several, but it does not appear that any of them were very distinguished.

Sir John Rede  
alias Stobo.

In the time of king James III., however, we find among the clerks to the secretary, one who has left a pleasing character behind him, sir John Rede, popularly known as "Stobo," perhaps from the place of his birth, or because he was vicar of that parish, which was a prebend of Glasgow cathedral. He is also described as rector of Kirkechrist, probably the parish in Galloway so called. He held office in the reign of king James II., or prior to 1460, and in 1473 received from James III. a recognition

<sup>1</sup> Some uncertainty exists as to whether Thomas Charteris was a churchman or a layman, as the references to him are very indefinite.

of his services in a pension of £20 a year. He is described as serving the king and his father in writing letters to the pope, and to various kings, princes, and magnates beyond the kingdom; a statement which confirms the view taken of the work done by the earlier clerks to the signet. It is interesting also to note that this pension was to repay his outlays for parchment, paper, red wax and white, and other expenses incurred regarding the documents written by him.<sup>2</sup> At a later date we hear of his being sent by king James IV. on a mission to England along with Walter Chepman, afterwards named. He was known as a poet, and is mentioned by Walter Kennedy as a personal friend of William Dunbar, who, in the *Lament for the makars*, mourns that death

“hes tane last of aw,  
Gud gentill Stobo, and Quintyne Schaw.”

A colleague of sir John Rede, more celebrated than he, was Walter Chepman, the founder of Scottish printing. He was a wealthy and influential merchant burgess of Edinburgh, but is also described as one of the clerks of the king's secretary, intrusted with the keeping of the signet. He is the first “writer to the king's signet,” formally so styled. Chepman was high in the favour of king James IV., and in conjunction with Andrew Myllar, a bookseller in Edinburgh, embarked on a joint printing enterprise in the year 1507, under a patent of monopoly from the king. Myllar furnished the practical experience while Chepman supplied the capital. Their printing office was in the Cowgate, in a property belonging to Chepman, at the foot of Blackfriars' wynd. His own house stood in the High Street, just at the top of the same wynd.

Walter Chepman,  
W.S. and printer.

In 1505 Walter Chepman bought the lands of Ewerland in the parish of Cramond; and in 1509 he purchased, from James Wardlaw of Riccarton the estate of Priestfield, now Prestonfield, near

<sup>2</sup> *Exchequer Rolls*, vol. viii. p. 315.



Edinburgh. In 1514 and 1515 he was dean of guild of Edinburgh. He has left to our times a memorial of his piety and public spirit in the aisle which he built on the south side of St. Giles' church; in which also, in 1513, he endowed an altar dedicated to St. John the evangelist. In 1528, he likewise erected a chapel of the Holy Rood, at the foot of St. Giles' kirkyard, adjoining the Cowgate. This he endowed for masses to be said constantly for the repose of the souls of king James v., the founder (himself), his deceased wife Mariot Kirkettill, and his second wife Agnes Cockburne, but more especially for the souls of the late king James iv. and those who had fallen with him at Flodden. Chepman died about 1532, and was buried in his own aisle in St. Giles', where the late Dr. William Chambers erected a tablet to his memory. His eldest son by his second wife, David, who predeceased his father, was a merchant and bookbinder in Edinburgh. William Chepman, another of the family, was a writer to the signet.

John Chepman of "Schelis," a nephew of Walter, who succeeded to his uncle's estates in 1532, was also a member of the society. In 1537 he granted an annuity in supplement of his uncle's endowment of St. John's altar in St. Giles'. His wife's name was Isobel Henderson.

Sir John Bellenden.

Another early member of the society, who is also particularly described as a writer to the king's signet, was John Bannatyne or Bellenden, for the name is variously spelt. In 1528 he was secretary to Archibald, sixth earl of Angus, and after the death of king James v. was made justice clerk and director of chancery. Other names of writers about the same period, and up to the date when a formal list has been preserved, might be given. The most prominent however have been mentioned, and suffice to show that writers or clerks to the king's signet existed from a very early period of Scotland's official history.

It is in the time of Walter Chepman, or about the years from 1490

to 1494, that we first meet with the term "writares of the singnet" applied to the clerks of the secretary's office as a body. The notices appear in the accounts of the treasurer of Scotland. In one case king James IV. orders gratuities to be given to the "wrytaris of the signete" for "thare drink siluer" for writing letters.

Community of calling formed in the middle ages a great bond of union among those who pursued any employment requiring special knowledge or skill. By it the trading guilds were bound together for common action and self-government. On the followers of the law it exercised a like power. Besides an acquaintance with general business, the calling of the writers to the signet required a knowledge of the forms of law and conveyancing, a mastery of the art of penmanship, and familiarity with the Latin tongue—at that time at least a living language. It was almost a necessity of the life of those times that fellow-workers thus associated should be united in a society or brotherhood. There is no authentic evidence of such an incorporation, but, however they were organised, the writers to the signet formed a little community to whose pens were intrusted many of the chief business affairs of the country. It is also worthy of note that while the followers of art, science, law, medicine, and the teaching profession still wore the priest's gown, in the "booths" of the early writers to the king's signet there began that lay professional life which bulks so largely in our modern world.

It is stated, in some of the proceedings of the society, that its members in early times, in addition to their duties in the secretary's office, acted as clerks in the old courts of judicature known as the lords of council, the lords auditors, the session and the daily council, as well as to the privy council. There is not, however, sufficient information extant to give an exact description of the connection which existed between the writers to the signet and these ancient courts; but in 1532, when, with the exception of the privy council, they were all superseded by the court of session, the relation of the

The society and  
court of session.



writers to the signet to the new judicature is more clearly defined. They henceforth formed a part of the legal establishment styled the college of justice, and the members of the society were called to the work of clerks in the new court. The lord clerk register, under the title of "clerk of the registrie, rollis, and of counsale," was made chief clerk of the session, and under him the writers to the signet became clerks of court.<sup>1</sup>

The court met in the council hall in the old tolbooth of Edinburgh. There was but one acting clerk at each sitting. He was designed the clerk of council, a title in which may be traced a survival of the defunct court of the lords of council, or perhaps a recognition of the writer's office as clerk to the king's secret council, of which that court was a branch. The clerk of council was chosen by rotation from among the writers to the signet,<sup>2</sup> and, in respect of that arrangement, the lord clerk register retained the right of nominating the clerks of session until 1728, when the patronage was first reserved in a commission then issued to Alexander, earl of Marchmont. A single survival of the connection of the clerks of court with the clerk register's office remains at the present time in the clerks of session being required to act as the lord clerk register's deputies at elections of Scottish representative peers.

While one member only of the society thus acted at a time as clerk of court, all writers to the signet were entitled to be present in court during the hearing and decision of causes. The importance of this privilege will be understood when it is remembered that the court of session, in early times, like the parliament of Paris, upon which it was largely modelled, did not admit the public to its meetings.<sup>3</sup>

<sup>1</sup> It may be noted that in 1524, owing to the troubled state of politics in Scotland, the lord clerk register was, for a time, made the custodian of all the seals, including the signet, until proper officers were appointed.

<sup>2</sup> Mackenzie (1716), vol. i. p. 247; Bankton (1752), vol. ii. p. 494.

<sup>3</sup> How strict the rule was on this subject

appears from an act of the lords of council, dated the 14th of February 1530, about two years before the new court was instituted, which orders that, "Fra tyme the chancelar and lords entir in the tolbut, yat na manner of man remane yrin bot advocats and sic able men to leir practik as sall pleiss the chancelare,"

"Yat the massers keips the counsale house

In the act of parliament by which the court of session was established, there is no reference to the clerks of court or of the signet, but in the first act of sederunt of the new judicature, passed on the 27th of May 1532, there are various provisions regulating the working of the members of the society. Among other things, it is enacted, "that all clerkis of the signet be sworne to exerse yair offices lauchfullie and diligentlie, and nane of yame sall reveil nor mak manifest to ony man quhat they writt or dois for ane uther, bot sall keip all closs and secrete. Item, yat na clerk of ye signet tak mair for ye writtin of an bill bot aucht pennies, and for the writtin of an lettre apoun ane decrete of the lordis and deliverance bot twentie pennies, nor for nane uther letter mair yan was usit in our soveran lordis tyme yat last decessit, quhome God assolze, under the pane of tinsale of his office. Item, yat nane fruster ane uther of his labours and proffit, yat everilk clerk of the signet yat writtis ony bills mark ye samin with his awin name in ye bill within."

Regulations for  
writers to the  
signet. 1532.

In the thirty-ninth act of the fourth parliament of king James v., which met at Edinburgh on the 7th day of June 1535, "it is ordanit" anent justice ayres, *i.e.* justiciary circuit courts, "yat in tymes cuming ye keepers of ye signet sall ansuer na lettres for calling of ony personis and parties to sic particular diettes bot gif ye samin be subscrivit with the clerk writer to the signet" (clerk of court) "and justice clerk and his deputes."

Lord Stair informs us that the writers to the signet "are every year publicly called and commanded to keep the accustomed

dure in yis manner, yat is to say, yat the dur stand oppin, and twa of yame, ane on ilk syde at the uter dur, uyer twa, ilk ane of yaim at ye inmost dur, and ane inasser to be on the flure within, to call and do as the chancelar commands him. And that na man entir but leif of the chancelar, fra tyme yat yai be commandit to hyde furth, under the pane of warding of thair persouns, and geif yai dissobey,

to be wardit, and yreftir punist at our plessour, for thair disobedience."

"Geif ony persoun forsaid, be tollerance of the chancelar and lords, remains within the counsale house in tyme yat ony mater is put in disputatioun, yat yai be sworn not to revele ye oppunzeouns and arguments of ye lords havand votis, and geif ye contrar be attendit upon yaim, yai never to haif entrens agane."



styles."<sup>1</sup> What this ceremony was it seems impossible to ascertain. Nor does it appear whether it was the court or the lord clerk register who gave this annual charge to the writers.

Multiplication  
of the signet.

But though the writers or clerks to the signet were thus subject to the lord clerk register as regarded the business of the court of session, they still retained their relations to the Lord secretary, who was the original head of their body. An episode in the history of the signet in the year 1541 reveals the fact that this token of authority had been multiplied. In the beginning of that year a thief had misappropriated the royal signet, the seal used in the king's own business. To remedy this, king James v., in a letter passed under the privy seal, wrote to the secretary, stating the necessity of having three small signets for service in the session and justiciary courts, and for the king's "awne directionis," and desiring him to order a third signet to be made in place of the one that had been stolen, to be used in the king's work. He was directed also to "reform" or remodel the three other signets, great and small, by advice of the council. It is thus evident that the use of the signet was extended, and so also was the business of its officials. The institution of the college of justice, with all that had taken place affecting its proceedings and officials, was ratified by parliament in the year 1540, and since its foundation the writers to the signet have been members of the college. Among their privileges as such were exemption from payment of certain taxes, and the right of suing or being sued only in the supreme court. The former right led in later times to many disputes between the society and the city authorities of Edinburgh.

First minutes,  
1594. Com-  
mission by lord  
secretary.

Nothing specially important is on record bearing on the history of the society for the next half century, but in 1594 we are enabled to chronicle its doings by the aid of its own minutes, which are preserved from that date. They begin with the narrative of a commission granted by sir Richard Cockburne of

<sup>1</sup> Stair's *Institutions*, iv. 3. 32.

Clerkingtoun, lord secretary, in favour of Mr. John Layng, his depute, and keeper of the signet, and eighteen other members of the society appointed as commissioners. The lord secretary directs them, or any nine of them conjunctly (the depute keeper of the signet being always one), to convene whenever they think it expedient, and to take order with "all abuses, falsities, and informalities in their vocation, committit or to be commit, by any ordinary member and brother thereof, master and servant," and they are to remedy all such. They are also "to conclude, determine, and sett down all actis, statutis, and ordinancis necessare, under the panes of deprivatione simpliciter of office, suspensioun, and pecuniall panes accordingly to the wechtness of the offence." The commissioners are likewise to make and enforce all needful regulations concerning the trial of the qualifications of such as shall be presented by the lord secretary for admission to the society, and to prescribe the manner of their admission. In the event of vacancies arising among the commissioners through death, or otherwise, their places were to be filled up by others "of the maist ancient and best qualified ordinare" writers to the signet. The commissioners also in that year specially "ratifies and appreives all and quhatsumevir acts maid of befor in ony tyme bigane preceeding the dais heirof be yair predicessouris and promittis, to hald hand to ye observing zairof according to gude conscience."

Such are the main provisions of the earliest commission extant in the records of the society, and it is of special interest because the tenor of it is suggestive of an established style from which it is evident that the constitution and governing body of the society were then fixed virtually as they exist at present. The king's secretary, or lord secretary, was their recognised chief, and his depute was the acting head of the society, while the commissioners appointed by the secretary discharged the same duties towards the body as now. It appears also from the minutes that such commissions were renewed from time to time, or were ratified by successive lord

Evidence as to  
early constitution  
of society.



secretaries, generally about the date of their respective appointments. Thus in 1596 lord Menmure confirms the preceding commission; in 1598 lord Balmerino ratifies the acts, and in 1610 sir Alexander Hay deals in the same way with the commission. In 1612 a new commission in like terms was granted by the famous sir Thomas Hamilton, afterwards first earl of Haddington; again, an imperfect one was issued by him in 1626, perhaps left incomplete because of his retirement about that date. Other such writs by various secretaries are noted from time to time, but those above mentioned are sufficient to indicate the practice. The style of each was like that of its predecessor.

Bye-laws, 1594.

The whole of the commissioners named by sir Richard Cockburn in 1594 did not accept office, but those who did so drew up a set of bye-laws for the government of the society, called in the name of their chief, "my lord secretares injunctiounes," but in part at least the result of their own deliberations. These bye-laws are deserving of careful study. It is specially noteworthy that they contain stipulations limiting the number of the society's members. Thus it is ordained that "no one shall be admitted to the signet nor to the use of the office thereof but by the decease of one of the brethren ordinary writers of the signet, and then to receive the son, servant, or apprentice of the person deceased." But this rule not appearing strict enough, the commissioners proceed to limit the future number of members to twenty-four. In doing so they show an earnest desire for the welfare of the society; they call to mind "the treuth and honestie of thair predecessouris, ordinary writtaris to the signet, quhilk proceidit upoun thair feu nummer, and now be the admissioun of ane multitude thair is drawin upoun the maist pairt of thaim povertie, and, be the said povertie [they] ar the reddier to be inducit to committ falsettis," for which reason the commissioners recommend a reduction of the number. The exceptions to this provision in favour of those who were not held to be ordinary members, show us the offices held at that time by the members of the society.

"Undir this act sall nawyis be comprehendit the ordiner clerkis befor the sessioun, secretare, depute keipare of the signet, clerkis to the justiciarie, and clerk depute of the secreit counsale."<sup>1</sup> In a letter from the lord secretary (sir Alexander Hay) to the deputy keeper, read at a general meeting on the 8th of November 1609, the same anxiety for the high standing of the society is manifested. His lordship says: "The multitude of wryttaris to the signet haffing bred amange thame selffis disordour, and thairwith occasioned disdaine and contempt of that place, whichè in former tymes wes in so muche credite, is a matter no les greivous unto me than to thame who feillis more sensiblye the smart of it. The too haistye desyre of many men to be maisteris hes maid sume of thame servanttes, and no doubt want of employment bringing with it povertie will produce sone such errours to fall in thair handis as may much disgrace the place." Accordingly it is to be the society's aim to limit its membership, and thereby to protect alike the interests of the public and the privileges of the favoured twenty-four members. As a means towards this end, the secretary recommends the deputy keeper and commissioners to use great strictness in dealing with delinquents, whom they are required to deprive or suspend. "Lett not preposterous pitie heirefter," says he, "move ather you or thame to spair or mitigate the punishment imposed, that so, quhome dewtie can not move, feare sall inforce to walk warlie in their calling."

Another act, of 13th February 1613, has also a bearing upon the status of the society, and is typical of others of the same character. It aims at limiting the writers to the signet to their own calling, and preventing their engaging in more general business, as, in earlier times, sir John Rede, Walter Chepman, and other members of the society had done. "My lord secretar and his commissioneris,

Regulations  
as to general  
business.

<sup>1</sup> On the 14th of November, in the following year also, the lord secretary promises that he will nowise admit any person to the signet until the whole number of the society be reduced to twenty-four.



understanding that sindrie of the craftis of the burgh of Edinburgh ar burdening sum of the wryteris to the signet to becum thair clerkis, and to keip thair assemblies and meetingis, contrare to equitie and ressoun, and to the reputatioun of the saidis wryteris, quhais calling hes evir bene repute mair honourabill nor thairwith to becum clerkis to sic inferior callings," therefore "it sall nawyis be lesum" to the members of the society to accept any such clerkship, but they are "to attend and serve our soverane lordis lieges in the said vocation of wryting to the signet, quhairby the samin be not disgracit with the saidis base and unworthie clerkshipis, under pane of deprivation."

Rules against  
strife.

Another point of interest in the regulations of 1594 is the care taken to prevent any strife arising in the brotherhood, a characteristic feature of the old life of such societies. "The commissioneris, remembering the grite unitie and gude concord standing amangis the haill brethrene, ordinare writteris to the signet, (praisit be God,) and willing the samyn to increas and continew, thairfoir statutes and ordanis that gif ony of the brethrene being pursewit or accusit of ane uthir brother for contravenying of the actis sal happin to minass or injure utheris," by word or deed, he shall, for the first fault, be suspended "ay and quhill he have satisfeit the partie offendit, and forder induring the saidis commissioneris willis"; and for the second fault he shall be deprived of his office "in all tyme cuming, but ony favour or restitutioun to be grantit to him thairfor." In 1656, likewise, a similar penalty of suspension was imposed on any brother threatening or injuring another, in addition to payment of a fine of £20 to the "box," or common fund of the society, and for every subsequent fault a second suspension with the fine doubled *toties quoties*. Offended parties also are required to carry their grievances to the commissioners for redress under a penalty of £10 to the "box."

It is pleasing in this connection to note that although the writers to the signet grew, in the seventeenth century, to be a body of considerable size, the old feeling of brotherhood continued to be

loyally cherished, and any slight offered to a member was regarded as an offence against the society. Hence such acts as that passed in 1647, "that everie wryter being warnit to anotheris buriall, his wyff or chyldrene, and refuisand or being absent, sall pay 12s." There was also a due sense maintained of the dignity and interests of the calling. Thus, in 1610, the commissioners ordered that "no ordinary writer in time of session be found drinking in taverns." Again, in 1658, Patrick Wilson is suspended on confessing to "the exercesing of ane uther office and imployment at Kirkaldie, by being ane waiter." His chief offence, however, at that time of English domination was, perhaps, that he had received for his unprofessional labours a "sallarie" from "the Englishes." In the same year, John Alexander was suspended because of conduct injurious to the calling, in that he had carried on business "at ane feckless and unworthie pryce, below the ordinar rait of wryting."

In the early minutes, with the same laudable end of keeping Intrants. the society select, are many entries relating to the examination of intrants, and the testing of their knowledge and fitness for the calling. In 1594, it is provided that new members shall be admitted only "in public conventioun eftir examinatioun and tryall." That this was carefully seen to would appear from the cautious finding given in on the 3d of November 1606, when the examiners report that Thomas Crombey "wes, in sum reasonabil maner, qualifeit to the office." In 1609, it is further appointed that intrants must receive the support of two-thirds of the commissioners in order to render their election valid.

For a similar reason, and also for the public safety, the society Fraud. took many precautions to prevent fraud. Among other proposed remedies the brethren, in 1647, ordained "ane buik to be maid quharin every wryter to the signet sall gif up the names of thair haill prenteissis and servandis, that thair names may be inrollit in that buik, and ane lytill paterne of thair hand writt insert thairin, to be conferrit with thair letteris sent to the signet."



The signet  
during the  
civil wars.

These and several other entries in the minutes give us some idea from its own earliest extant records, of the internal economy of the society. Those points of its history, however, which were affected by outside events are not unworthy of notice, and may be briefly touched upon until we reach the present century. It is observable that the minutes show scarcely any traces of the troubled times which came upon the country in the reign of king Charles I., or of the excitement which attended the ecclesiastical and political disputes between that monarch and his Scottish subjects. But while the society records nothing of the matter, it may not be irrelevant to notice certain adventures which befell the badge of office from which it took its name, and which must have affected at least temporarily the society itself. In 1640, we learn that the proper signet had been carried off to England, and some inconvenience was felt for the want of it. To meet the difficulty an act of sederunt was passed by the court of session, and ratified by parliament, declaring that all summonses, letters, charges, suspensions, signatures, or other writs which usually passed under the signet, were to be presented to Mr. George Halden, W.S., who should, at the place where the wax was placed, sign a warrant for the writ passing the necessary seals, though not signeted. For this the usual fee for the signet was to be paid and to be made forthcoming to the secretary, or, in his absence, to his keeper of the signet. The act further prohibited, under penalties, the keeper of the signet from taking that or any seal furth of Scotland.<sup>1</sup>

At a later date, in 1644, we find that the signet was affected by the proceedings of the extreme covenanting party, who were then gaining power. Because William Hamilton, earl of Lanark, then secretary, had not signed the covenant, he was accounted "an enemy to religion," and the "benefite of the signet" was arrested or closed in the hands of Mr. Harry Maule, his depute, the result being that no writs could pass for the time.<sup>2</sup> The earl, however, soon

<sup>1</sup> *Acts of Parliament*, vol. v. p. 269.

<sup>2</sup> *Ibid.* vol. vi. part i. p. 89.

afterwards took the required oath, and the arrestment was removed. About the same time the secretary addressed a petition to parliament, which narrates another adventure of the signet. He stated first that sir James Galloway (master of requests in England) had usurped his place as secretary; alleging some difference between a secretary and a secretary of state, and had obtained letters from the king requiring the Scottish council to acknowledge sir James as secretary, which the council found to be a great wrong and prejudicial to the kingdom as interfering with the elections of officers of state. Lord Lanark declared that he was sole secretary of state for Scotland, appointed by the king (Charles I.), who had handed him the signet in open parliament. He stated further that while he was in close prison at Oxford, the signet had been taken from him by the English secretaries and given to sir Robert Spottiswood, whose loyalty to the covenant was much suspected. The earl desired to have it affirmed that he was the secretary, which petition the parliament duly granted.<sup>1</sup> The narrative of the presentation of the signet to its official custodier is of considerable interest, as, although this seems to be the only case recorded, the king probably followed a long-established precedent.

Signet in open  
parliament.

The earl of Lanark remained secretary until his loyalty to king Charles and the defeat of the army of the "Engagement" drove him from office and then from the kingdom. His place was taken, in March 1649, by William, earl of Lothian. Previous to his appointment, and after the death of king Charles I., the signet, with other seals, had been placed in the chancellor's custody, and parliament ordered the signet of the late king to be used in his successor's reign. Afterwards, in open parliament, it was handed to the marquis of Argyll on behalf of the new secretary, who, however, did not hold it long. The success of the English invasions in 1650 and 1651 led to a complete overturn of the government of Scotland, and the office of lord secretary and keeper of the signet

The civil war.

<sup>1</sup> *Acts of Parliament*, vol. vi. part i. p. 182.



fell into abeyance. The country had no longer a separate and independent administration, and there was no place for many of the old officials. In 1652 the court of session was set aside, and in its stead came the commissioners for the administration of justice in Scotland, a body appointed by the English executive, and holding office during pleasure. Several Scottish lawyers of eminence, one or two of whom had been lords of session, were placed upon the commission, but its number was made up by the appointment of Englishmen, whose chief qualification seems to have been a firm adherence to the new government. The court, which had no president, was modelled upon a different system from that which it had superseded. The college of justice became for the time a tradition rather than a reality, and the society could no longer be designed as the writers to his majesty's signet. The constitution of the court of the commissioners was foreign, arbitrary, and subversive of the ancient traditions and liberties of the land, yet it has left behind it a good reputation for industry, and for the fairness of its decisions, due probably to the upright character of some of its leading members.

Commissioners  
of justice and  
the society.

The commissioners of justice issued a commission in 1654 appointing as deputy keeper of the signet an Englishman named Samuel Mosley, who seems to have been a kinsman of Edward Mosley, one of their own number. Evidently the office had lain for some time vacant, or at least dormant, as appears from an entry requiring writers who have been admitted since 1652 to pay Mr. Mosley the casualty belonging to his place, which "his predecessors, keepers of the signet, were in use to receive of befor." In 1655 the salary of the keeper was reduced from £140 to £100. A new commission, recorded in 1657, proceeds from sir William Lockhart, younger of Lee, one of his highness' council in Scotland.<sup>1</sup> By it, sir William's brother, Mr. John Lockhart, afterwards lord Castlehill, was appointed keeper, and a letter

<sup>1</sup> Sir William Lockhart was a well-known Protector, whose niece, Robina Shouster, he friend and political adviser of the Lord married.

of acceptance from him is recorded along with the commission. In 1658 a new name appears, that of Mr. James Crawford. He is always called deputy keeper, although there does not seem to have been any principal keeper between lord Lothian and the duke of Lauderdale, who was appointed in 1660.<sup>1</sup>

There is no mention in the minutes of sir Peter Wedderburn, afterwards lord Gosford, whose commission as deputy keeper was dated 28th August 1660. On the 17th of November following, a commission was produced, granted by John, earl of Lauderdale, principal secretary of state for Scotland, appointing "Mr. William Scharpe keeper depute of his majesty's signet."<sup>2</sup> The first proceeding of the new deputy keeper was to cause the society's officer to be admitted of new to his post, evidently on the ground that all proceedings which had been taken during the former administration were invalid. The officer, having been sworn, was forthwith ordered "to warn James Allan, late treasurer, Mr. George Cruickshank, late clerk, and William Ros, late procurator fiscal to the commissioners, writers to the signet in the time of the late usurpers, to appear before the commissioners on Monday the 19th inst., and the said clerk to produce the book of register in his custody." At a meeting, held two days later, the clerk, treasurer, and procurator fiscal compeared as commanded. Mr. George Cruickshank was then discharged from office, and declared to be no longer clerk; the fiscal was dealt with in the same way; and James Allan received a new appointment as treasurer "and keeper of the public box." Thus all the office-bearers were summarily deprived of their old appointments. The officer was next ordered "to warn all writers to the signet, and all others pretending to be so during the late usurpation, to be at

The society  
after the  
restoration.

<sup>1</sup> Incidental notices of the signet during this period inform us that in 1655 a signet for Scotland was engraved by an English artist, Thomas Symons, and sent north in 1656 with the other seals.

<sup>2</sup> Mr. William Sharp was brother of Mr. James Sharp, minister of Crail, who a month after this date was appointed archbishop of St. Andrews.



the meeting of the commissioners to-morrow, at ten o'clock, in the parliament hall." On the following day, the 20th of November, the commissioners met again, and with them a great number of other writers, "and also of those pretending they had liberty to be writers to the signet during the usurpation." Mr. Sharp then required them all to exhibit to him their warrants of admission, upon either of the two following days, discharging all those not lawfully admitted by the lords' secretaries for the time," or by such "as had power from his majesty, or his royal progenitors, from exercising the office of writer to the signet, at their peril." Those writers who had been admitted between 1608 and 1650 produced their commissions on the 21st and 22d of November, which were then minuted and returned. There appear, however, to have been about twenty-five members of the society, admitted after 1650, whose commissions were now declared void by reason of failure to have them formally renewed. In the course of the following year, eighteen of these members were admitted of new, the minutes stating that they had been formerly apprentices to such and such a member of the society. Upon paying their fees a second time they received new commissions. Regarding the other writers who were deprived by these proceedings, the minutes give us no information.<sup>1</sup>

The society  
taxed in 1663.

On the 12th of January 1663 a special meeting of the college of justice, that is to say, of the advocates, clerks of the session, and writers to his majesty's signet, was held in the inner parliament house, to authorise payment of a tax by the members of the college who held land in Edinburgh. The "English usurpers" on a former occasion had fixed the tax at "one in the hundred," on the valued rents, and this proportion was now to be paid—partly for behoof of the lords of session and partly for the benefit of the king's revenue. At this meeting also, the keeper of the parliament house was required

<sup>1</sup> It may be noted that, for some reason, the signet had been closed at this time. In 1661, it was opened by parliament for inbringing the king's rents.

to show his warrant, which, if it was from the magistrates only, was to be null. He had been appointed by the provost and council of Edinburgh during "the late cessation of administration of justice," whereas the real power of appointment lay only with the lords of session. Incidentally we learn that a deputation was appointed to wait upon the dean of guild and town council of Edinburgh to desire that "the backseats in the loft of the lords of session, in the new kirk of St. Giles," might, as of old, be reserved for the advocates and writers only.

Two subsequent meetings of the college of justice were held on the 11th and 16th of September 1663, convened by the dean of faculty, to obtain the consent of the society, along with that of the faculty of advocates, to the sale of the citadel of Leith, by the earl of Lauderdale, on behalf of the crown, to the magistrates of Edinburgh. The purpose of the proposed sale is said to be for obviating of the detriment which would arise to the burgh of Edinburgh through the inhabitants "by the said citadel," trafficking and holding markets there.

Sale of Leith  
citadel.

In a letter presented to the commissioners, on 29th October 1663, lord Lauderdale undertook to limit the number of writers to the signet to three-score. The commissioners thanked his lordship for the letter, but it does not appear that anything more came of it.

The privy council's action against the holding of conventicles caused some trouble to the society. At a meeting on the 21st of December 1676, a list is ordered to be drawn up of all such as "keep chambers in the burgh of Edinburgh, either as notaries or unfreemen," who have not yet taken the test, in terms of the act. On the 14th of February 1678, the deputy keeper, sir William Scharpe,<sup>1</sup> summoned the writers to the signet to a special meeting,<sup>2</sup> and informed them that he had received special instructions from the lords of session to bring them together, and to direct their

The society and  
the test.

<sup>1</sup> He had been knighted in 1669.

out a formal excuse were fined a rex dollar each.

<sup>2</sup> Brethren absent from that meeting with-



attention to the act of regulation passed by the lords of the privy council on the 11th of the same month. That act prescribed a bond to be signed by all members of the college of justice, lords of session, advocates, clerks, and writers to the signet, as well as by "heritors, liferenters, and masters for their tennents and others." This bond having been read over and considered, the society, "in regard to the great importance thereof," deferred further action until another meeting appointed to be held four days later in the "inner house of the parliament or new session house of Edinburgh." To that meeting the brethren "wer all dewlie wairned be the officer, with certification to such as wer absent, and not excused, that each of them should be unlawed."

When the society met again, on the 18th of February, sir William once more produced the act and "the bond of regularities," and, after "serious consideration," the bond was subscribed by "the commissioners and remanent bretheren." The bond is in the following terms:—"We under subscriyvers, deput keiper of, and writters to his majistie's signet, doe faithfullie bind and oblige ws that we, our wives, bairnes, and servants respectivelie shall no wayes be present at any conventicles and disorderlie meittings in tyme comeing, bot shall live orderlie in obedience to ye law, under ye penalties contained in the acts of parliament made yranent. As also, we bind and oblige ws that our whole tennents and cottars respectively, yr wives, bairnes, and servants shall lykewayes refraine and abstaine from the saids conventicles, and other illegall meittings not owtherized by the law, and that they sall live orderlie in obedience to the law, and further that we nor they sall not resett, supplie or commoun with forfitted persones, intercommouned ministers, or vagrant preachers, bot sall doe our outmost endeavors to apprehend yr persones. And in caice our said tennents, cottars, and yr forsaid s sall contravein, we shall tak and apprehend any persone or persones guilty yrof and present ym to the judge ordinar that they may be fined or imprisoned therefor as is provydit in the acts of parliament made yranent.



Otherwayes we shall remove ym and their families from off our grund. And if we sall faillie yeirin, we shall be lyable to such penalties as the said delinquents have incurred by the law," etc.

The murder of archbishop Sharp in 1679 was followed immediately by the rising in the west country, which began with defiance of the ruling powers at Rutherglen, and the defeat of Claverhouse at Drumclog. These events threw all adherents of the government into serious alarm, and the college of justice was laid under warlike requisition. The writers to the signet along with the advocates "and certain clerks of session, met accordingly on 13th June 1679," in the parliament house, where they "elected, nominat, and choysed" the officers of the "colledge of justice there companie of foote, to be putt out be them for his majesty's service" against the insurgent covenanters. The officers chosen were sir Andrew Birnie, advocate, dean of faculty, captain; sir William Sharp of Stonyhill, knight, keeper of his majesty's signet, lieutenant; and Mr. James Grahame, advocate, ensign. On the 20th of June following, Hugh Wallace, W.S., was elected "ayd lieve-tennent" to the company.

The college of  
justice "companie  
of foot."

On 15th June the rising was brought to an end by the battle of Bothwell brig, and, in the following February, we find the commissioners of the signet somewhat troubled about the expenses in which the raising of the company had involved the society. They consider several articles charged for "to be very high," and they desire information from the dean of faculty as to where the colours and liveries "ar secured, to be made furthcoming when use sall be of them upon any future occasion." We learn from a later minute that the society's share of the expenses of the fitting out of the college of justice company of foot was two hundred merks, being one-third of the whole cost. It would be interesting to know what became of the arms, colours and uniforms here referred to.

Taxing the bills.

In the early part of the year 1688, it was proposed by the

Apprentices and  
anti-popery riots.

government of king James the seventh, that the writers to the signet should be held bound "for their apprentices and servants, that they shall live peaceably and obediently to the laws." The occasion of this action on the part of the authorities was the occurrence of a serious riot at Holyrood, excited by the fitting up of the royal chapel there as a Roman catholic place of worship. This seems to have been the first of a series of outbreaks preceding the revolution. The society, on 11th February 1688, appointed a deputation to consult with the lord president and dean of faculty on this subject, and to represent that the members were in a different position from other employers, in respect that their apprentices were, in many cases, but little under their control, and further, that it could not be alleged that any of the writers' apprentices or servants had been engaged in the late tumult.

The revolution.

The fact of the revolution in 1688-9 is passed over in silence by the minutes, although the change of government had the effect for a time of closing the signet. It was opened by royal proclamation on 10th July 1689, but only fourteen days later it was again closed by parliament in consequence of a dispute between that court and the king as to the right to nominate the lords of session. The signet was reopened on 15th October 1689, while letters of horning bearing date between the arrival of king William in Britain and the period of reopening were declared to be null.<sup>1</sup> But despite this silence as to the change of monarch, we find the society some years later, on 18th April 1696, entering into a bond of association for support and defence of his majesty king William's "most sacred person and government," and of the protestant religion, "against the late king James and the pretended prince of Wales and all their agents." We do not wonder, after this, to find a like zeal shown by the society regarding members of its own body, and when, on the

<sup>1</sup> There is a slight reference to passing events in a minute of 7th December 1692, where it is stated "that this long tyme bygane by occa-

sione of the revolutione and confusions in the countrie, there has not been a full meeting of the wrytters."



5th of April 1697, the commissioners were told that John Alexander, "late wryter to the signet, one of ther pensioners," had "turned papist," the payments to him were stopped "untill he declair under his hand that he is not papist, and renounces the principles thereof." The poor man, however, seems to have been unjustly accused; as, on the 24th of November following, a committee appointed for this matter was able to report that John Alexander had "renounced and disowned all popery, and principles thereof, and that he never maintained the same, and that it was a calumnie against him." His pension was accordingly at once restored.

An alleged  
papist in the  
society.

In the same year George Dallas of St. Martin's, W.S., presented to the society for the use of its members, his "Book of Styles," which seems to have been the first book owned by the writers to the signet as a body.<sup>1</sup>

Dallas'  
"Styles."

Incidentally it may be noted that in 1697, John Cheisley, a son, or possibly a nephew, of John Cheisley of Dalry, the notorious assassin of lord president sir George Lockhart of Lee, was admitted a writer to the signet. He seems to have been possessed by something of the extraordinary disposition and obstinate temper which characterised the ill-fated laird of Dalry, and his well-known daughter, Rachel, lady Grange. John Cheisley was but ten years a member of the society, yet his name occurs seventeen times in the minutes—a prominence due to his frequent irregularities and malversations, which, in the end, led to his being deprived of his commission.

John Cheisley.

On 1st December 1701, the society approved of an address for presentation to king William, "upon this junctier," by which term they evidently mean the recent death of king James VII. The address was signed by "the wholl body of the wreitters present."

Death of king  
James VII.

By the treaty of union in 1707 it is enacted that vacancies

The union.

<sup>1</sup> In 1706, also, the society showed its interest in legal literature by appointing a committee of the writers to consider and revise "a parcell of styles," which the author, Mr. John Spotswood, advocate, submitted for the purpose, prior to publication.



among the lords ordinary in the court of session, in the filling up of which there had previously been no restriction, should henceforward be filled by the appointment of advocates or writers to the signet only.

Episcopal  
clergy.

In 1711 and 1712 events outside the society are noticed by occasional collections among its members for the relief of those ministers who, refusing to conform to presbytery, had been reduced to great straits. On the 27th of November 1712, a general meeting "haveing considered a petition given in by the episcopal clergie, doe appoint master James Baillie, present thesaurer, to pay to their collectors a sum not exceeding ten pounds sterling of charitie, and that with his first conveniency." This is from "the box"; but, at the same time, it is "resolved that a voluntar contribution be collected from all the members of the societie." In supplement of the above donation, directions are given also that a report be presented to the first general meeting setting forth "how the said money is applyed." Other voluntary contributions for this purpose were frequently made from this time onwards till 1751. In 1745 the collection amounted to £20, 2s. 6d.

Precautions  
against  
jacobites.

We find evidence of the disturbance of the political atmosphere in 1715, in the minute of the 9th of November in that year, which relates that the members of the society were "advertised that they should take care what persons they take into their chambers as prentices or servants, and that they should entertain none but those who should be well affected to the government, and make no disturbance in the place." On the 17th of the same month, Charles Chalmers of Portlethin, a member of the society, but not in legal practice, was killed at Sheriffmuir, fighting for the chevalier.

The rising of 1745 was joined by John Hay of Restalrig, W.S., who had held office as fiscal, treasurer, and substitute keeper of the signet. He was appointed treasurer to prince Charles, and ultimately fled with him to France. In 1746 he was attainted on a charge of treason. Mr. Colquhoun Grant, W.S., also joined the

army of the chevalier. At the battle of Prestonpans he particularly distinguished himself.<sup>1</sup>

On the 18th of June 1746, on a request from the lords of session, the society agreed to join the other divisions of the college of justice in waiting "in their formalities, attended by their clerks," upon the duke of Cumberland, on his return from the north after Culloden.

The duke of  
Cumberland.

In 1759 the society, in view of a threatened French invasion, unanimously voted a hundred guineas "as an encouragement to persons to enlist themselves in his majesty's service, for the defence of their country." In 1778 a sum of five hundred guineas was voted towards raising in Edinburgh a regiment for service in the American war.

French invasion.

War with  
America, 1779.

In 1779 an address was presented to king George III. by the college of justice and the court of exchequer "upon the present situation of public affairs," which appears to refer to the war then going on against America and France. It is signed for the college of justice by the heads of the several bodies, judges, advocates, and writers to the signet. In 1792, the society, having evidently in view the contest in which the country was involved with the French revolutionary government, resolved unanimously "that the members, feeling themselves free and happy under the present excellent and unrivalled constitution, held it their duty and their interest to support and defend it, and that at the hazard of their lives and fortunes." On the 12th of February 1798, two hundred guineas were subscribed towards the support of the state "at the present crisis of affairs," and it was further resolved that, if government should require additional aid, the society would, from time to time, come "cheerfully forward and give every assistance in their power." On the 10th of July following, the members assessed

<sup>1</sup> The prince, at the first levee held by him at Holyrood-house, publicly thanked Mr. Grant, and presented him with a small profile cast of himself as a mark of personal esteem. See Kay's *Portraits*, vol. i. pp. 418, 419.



themselves for a year at the rate of two per cent. on their valued rent for the relief of the wives and families of soldiers engaged in the French war. In 1814 there is a minute of an address presented to the prince regent, signifying the satisfaction of the society at the happy state of public affairs, and the prospect of peace, arising from the close of the war and the surrender of Paris. The war broke out anew in the following year, but the long peace which followed the campaign of 1815 not unfitly represents the state of the society during the same period. Its external history thenceforth is mainly the history of the library, the new buildings for which were completed in 1815.

In 1822 the society's attention was turned towards the opening up of swifter communication between Edinburgh and London. A committee appointed for this purpose, having considered several proposed alterations of the road, reported in favour of one by which the mail should "run from Catterick Bridge by Hexham, crossing the waterfall, and thence to Edinburgh by Jedburgh." This route, they found, would save thirty-three miles, and, allowing for five stoppages, could be travelled in forty-two hours, so that letters might be delivered in the one city on the second day after their despatch from the other.

The minutes contain various notices of the society's share in the reception of king George iv., on his visit to Edinburgh in that year. In 1842 also there are similar entries referring to the first visit of queen Victoria and the prince consort to Scotland.

In 1838 the society petitioned parliament in favour of Mr. Rowland Hill's scheme of postal reform.

In 1859 some traces of the old military spirit of the society appear in a minute which provides for the embodying of a writers to the signet company of the city of Edinburgh rifle volunteer corps.

In August 1871 the writers to the signet joined with other public bodies in celebrating the hundreth anniversary of the birth



of Sir Walter Scott, who was the son of a writer to the signet, and himself an apprentice.

No better conclusion of its history can be found than one of the last entries in the minutes for the year 1887, which refers to an address to queen Victoria congratulating her majesty on the completion of the jubilee of her glorious reign.<sup>1</sup> Her majesty's jubilee.

The society has passed through many varied experiences, and some of these have wrought their changes upon the working life of its members. Nevertheless, the outstanding mark of their calling remains as of old, that they write to her majesty's signet; and the loyalty of the writers to the queen under whom they now serve is quickened by the memory of the society's time-honoured connection with the long line of the Scottish monarchs.

In addition to the general history of the society, a few particulars of what may be called its more personal history, may now be noticed. These are more easily treated separately from the main narrative. Among such particulars, a brief reference to the deputy keepership claims the first place:

#### OFFICE OF THE DEPUTY KEEPER.

The ancient dignity of lord secretary or secretary for Scotland was abolished in 1746, and the keepership of the signet thus became vacant. Thenceforth till 1817 the keeper of the signet was appointed as a separate officer. In 1817 the office was united to that of lord clerk register, and it is still held by that official. The restoration in 1885 of the Scottish secretaryship of state revived

<sup>1</sup> In honour of the same occasion the society also erected in the upper hall of the signet library, a stained glass window, bearing along with the royal arms and the arms of the society, the arms of James Andrew, marquis of Dalhousie, sir William Gibson Craig of Riccarton, bart., and George Frederick, earl of Glasgow,

keepers of the signet during the past fifty years of her majesty's reign; and of Colin Mackenzie of Portmore, Richard Mackenzie of Dolphinton, James Hope, John Clerk Brodie of Idvies, and Charles Bowman Logan, deputy keepers during the same period.

only a part of the powers of the lord secretary, and did not revive his former position as keeper of the signet.

Functions of the  
deputy keeper.

In the keeper's absence the deputy keeper of the signet is head of the society, and as such is entitled to preside at all business meetings. The powers conferred by the commissions granted in favour of successive deputy keepers have varied a good deal. In 1594 Mr. John Layng had been designed by sir Richard Cockburn. his "depute and keeper of the signet," a style which recurs in later appointments. In the minutes of the society, Mr. Layng's style is "secreter deput" or "secretare depute and keiper of the signet." Not only so, but special powers seem to have been given to Mr. Layng in the year 1597, when king James the sixth, with consent of his council and exchequer, and also of his secretary "then for the tyme be virtue of his dimissoun," granted to Mr. John Layng, keeper of his majesty's signet, for his lifetime, "all and hail that pairt of the office of the secretarie sa far as may be extendit to the keiping and custodie of his maiesteis signetis great and small, (exceptand the court signet ordinarlie vesit to all suche thingis whilk pas the counsaill tabill) together with all and sindrie feis," and all other privileges. This grant was duly confirmed by parliament in the year 1609,<sup>1</sup> but the special nature of Mr. Layng's appointment is implied by a clause enacting that in future the keeping of the signets should be at the disposal of his majesty's secretaries, the present gift being no prejudice of their right.

The quorum of commissioners in 1594 is fixed by sir Richard at nine, including always the deputy keeper. The quorum, however, was afterwards reduced to four; the keeper of the signet being convener, and *sine quo non*. In 1642, however, the then secretary, William, earl of Lanark, named a commissioner who, in the deputy keeper's absence, should take his place as a necessary member

Date of grant, 17th March 1596-7.—*Acts of the Parliaments of Scotland*, vol. iv. p. 448. The reference to the secretary's "dimission"

may be connected with the appointment of the "Octavians."



of the quorum. The commissioners then appointed were ten in number, including "Mr. Harie Maule, present keeper of the signet, or any four of them, conjunctly with the said Mr. Harie, and in case of his absence" Mr. George Haldin, W.S. The commission issued in 1660, in favour of sir William Sharp and eight commissioners, specifies as a quorum any four of them, the keeper of the signet being always one, and *sine quo non*. Later commissions are in similar terms, and a memorial transmitted by the society to the home secretaries, in 1731, states that the keeper "has the power of calling and adjourning meetings of the society," and "that he is a necessary constituent member in such meetings, and presides there *ex officio*." The quorum was afterwards reduced to three. The more recent practice does not require the presence of the keeper or the deputy keeper at every meeting, and when questions regarding the deputy keeper's office were brought before the court of session, in 1828, it was not disputed that meetings of the society might be held in the absence of these officers.

In the great majority of instances the deputy keeper has been chosen from the members of the society; generally from among its most distinguished members. Two exceptions to this practice are Mr. James Law, appointed joint deputy keeper on the 26th of December 1627, and admitted a writer to the signet two years later; and Mr. James Hope, appointed joint deputy keeper on the 12th of January 1828, and admitted a writer to the signet on the 4th of July following. More notable examples of departure from the rule of selection from within the society were the appointments of Samuel Mosley in 1654, lord Castlehill in 1657, and sir William Sharp in 1660. All these nominations, however, bear evidence of having been made for political reasons. Mosley was an Englishman, and a partisan of the dominant alien government. Whatever his personal merits may have been, he had no natural claim upon the favour of the writers to the signet. His appointment was, moreover, obnoxious as proceeding from the new court of the

Elections of  
deputy keeper.

Objections to  
Mosley's ap-  
pointment.



commissioners for the administration of justice in Scotland, which had usurped, in part, the privileges of the lord secretary's office, and to which new authority the society owed no allegiance. It is not, therefore, surprising to find that the members were unwilling to submit to the depute thus thrust upon them. No sooner was his commission recorded than the commissioners, on the 13th of March, proceeded to ignore his title so far as to place one of their number in the chair. They "all with one consent, electit and choysed John Sempell preses for the affaris of their present meeting, and to continue to the first day of Junii nixt to cum." The minutes bearing on the subject are simple and formal, but they contain traces of a struggle about which further information would be welcome. It says not a little for the spirit of the commissioners that the unequal strife ended in a compromise. It was impossible to hold out against the ruling powers, but, on the 12th of January 1655, the commissioners managed to save their position while yet yielding the chair to the nominee of the government. They "elected and nominated Samuell Mosely, keeper of the signet, preses for the affairs of the present meeting, and to continue whill the first day of August next to cum, and thaireftir whill he be discharged." The peculiarity of the circumstances may be held to justify these extraordinary proceedings. Doubts, however, seem to have arisen regarding the keeper's right to preside at meetings of the society, and in 1828, as has been already mentioned, this matter was brought before the court of session. The case was not carried to a decision; and, with the exception above stated, the keeper, or his deputy, has always been in use to preside at meetings of the society, and when either of these officers is present and willing to act, he is of necessity president of the meeting.

#### FORMER MEETING-PLACES OF THE SOCIETY.

The king's  
secretary had  
no official  
residence.

Ministers of state had, in former times, no official place of business, nor was there anything corresponding to what we now call a

public office, unless indeed the tolbooth of Edinburgh, which gave accommodation to a good many different public departments, could be so called. The lord secretary, like other public servants, carried on the work of his administration in his own dwelling-house, and there the royal signet was kept. When Edinburgh became the permanent capital of the country, and, as such, the place of the king's state residence, the public convenience required that there the lord secretary and other ministers of state should reside for the purposes of national business. Their work, however, continued to be done in their own houses. In like manner, the writers to the signet carried on the business of the lord secretary's department, and other official work, in their private houses in Edinburgh, or in their own chambers or "writing booths." For this reason, and as the society had as yet no local habitation, the places of meeting named in the earlier minutes vary considerably. Frequently we have no information on this head, and must content ourselves with knowing that the sederunt was held "at Edinburgh." Of the meeting-places mentioned we find that, on 15th November 1596, the writers met in the new kirk; on 28th July 1599 and 17th January 1606, in the "laiche tolbuith"; on 15th March 1606, 7th December 1612, and 29th June 1618, in the "heiche tolbuith"; on 4th April 1607, in Holyrood-house; on 22d November 1609, in the deputy keeper's house; and on 8th August 1618, in "the wryting chalmer of Adame Lawtie, ane of the commissioneris." On the 11th of December 1627, a general meeting is held at the "tolbuith of Edinburgh," and it is then resolved that "all the wrytters to the signet sall heireftir keip four generall quarterlie meetings in every year in the tolbuith of Edinburgh, upon the first Monday of every quarter, in the fairnoone." On the 23d of June 1628, a meeting is held "in Robert Alexanderis chalmer, wryter in Edinburgh, and ane of the keiparis of the signet." On the 15th of November 1633, "the brethrene convenit in the dwellinghous of Mr. James Gordoun, ane of the twa keiparis;" and on the 23d of that month, again in the

Meetings of  
the society.



"hich hall" of Mr. Gordoun's house. On 28th December 1633, 7th January 1636, and 23d February 1639, meetings are held in the "signet chalmer;" on 9th January 1647, in the "auld sessioun house;" on 11th January 1648, in the parliament house; and on 13th March 1654, in the new session house of Edinburgh. It would seem that the society's ordinary meeting-place was either some one of the offices in the tolbooth, or the deputy keeper's house, but the convenience of members might, at any time, cause a change in the place of meeting. The "signet chalmer" and the auld session house appear to have been in the tolbooth. The new session house was in the newly built parliament house. The new kirk was the eastern part of St. Giles', known also as the little kirk, and the high kirk. In the society's accounts for 1616 there occurs a payment of £6 to the keeper of the "heich tolbooth quherin the brether convenit."

Office of the  
society, 1695.

It was not till 1695 that steps are taken to secure for the society "ane convenient house, where the signet office, and warrants thereof may be kept, and the wryters may meet upon all occasions." In May of the following year, arrangements were made for furnishing and finishing the "new lodging" bought in terms of previous resolutions. Thereafter follow a number of entries giving minute details of the furnishing and fitting up of the offices, even to the ordering of a dollar of drink-money to be paid to the wright employed at the work. The court off the High Street in which the new office stood, was named the Writers' Court; and the society had the name put up in gilt letters over its entrance gate. In 1704, the treasurer was appointed "to putt up a broad" in the office, bearing, in gold letters, the "names of all the writers that did contribute to the buying of the house, and what soumes were advanced by each of them for that end." The same practice, according to a custom of the times, had previously been followed in the case of donors to the box for the poor. When the new buildings were erected in Parliament Square the signet office was established in them, and thenceforward the



WRITERS' COURT





meetings of the society have been held in the hall of the library. In 1826 the signet office was removed to its present quarters, H.M. Register House.

## APPRENTICES AND INTRANTS.

It has been said that "there is no circumstance which has so much contributed to place the society of writers to the signet in the honourable rank which it has so long held, as the attention which has been paid to the education, both general and professional, of their apprentices. There is indeed no law association in the kingdom which has shown so much anxiety on the subject." This statement is fully borne out by a perusal of the minutes. The many regulations on the subject, however, need not be fully detailed here, but the earliest references to apprentices of the society may be noted.

Training of apprentices.

In the minutes of 1594, it was resolved, as already mentioned, that the number of members should be limited, and no new ordinary writer to the signet admitted until the whole number of ordinary members be reduced to twenty-four. Intrants, however, continued to be admitted until the numbers of the society increased from thirty-eight in 1594, to forty-five in 1609. In 1598, the period of apprenticeship was fixed at three years. But the practice varied greatly at different times; and the regulations as to the length of the apprenticeship were often departed from. By an act of 1610, it was required that all writers to the signet "quhen thai salhappin to ressave ony personis prenteissis to thaim," shall do so by an indenture binding the apprentice to serve seven years from its date. It was further appointed that the indenture, on its execution, should be produced to the commissioners, who should cause a note of it to be recorded in the "register buik of the actis of the saidis ordinar wryteris." In the event of a master dying before the expiry of his apprentice's indenture, the commissioners were to assign the

Regulations as to indentures.



apprentice to another writer to the signet, whom he should serve to the end of his term. On 23d July 1628, this act was ratified, with the further provision that for each indenture, the apprentice should pay ten merks, five to the box, and five to the clerk to the commissioners. In 1629 it was further required that, in addition to serving an apprenticeship, an intrant must be twenty-five years of age before he could be admitted into the society. In 1638 it is enacted that if the apprentice duty be not paid within forty days of entering the indenture, the fee shall be doubled and the master shall pay it. In 1630 there occurs a somewhat remarkable entry of the booking of an indenture, by which Andrew Robertson is apprenticed to John Cok for three years only, and the commissioners dispense with the "prenteis dewtie, for gude consideratiouns moving thame." It would be interesting to know what these considerations were. From this time forward the act requiring a seven years' apprenticeship was systematically disregarded. Three, four, or five years became usual terms. Sometimes two years, or even one year, was accepted, and for a long time there was no regular practice on the subject.

Military clause  
in early inden-  
tures.

One clause in the early indentures is not usual in the present day, and is suggestive of the state of the country. In 1627 military duties were imposed on the apprentices as part of their service. Every apprentice was required to have "a competent stand of musterable armes to lye to his use in the commone storehous or magasin of the wrytteris." Moreover it was provided that if an apprentice died before completing his term of service, or forsook the calling, his arms should remain the property of the society. Clerks as well as apprentices were required to bear arms, and a regular system of military drill was established. It does not appear, however, that the military services of the body so formed were ever called into actual warfare, though their existence as a "company of foote" is noted in 1679. The subsisting "Regulations respecting apprentices and intrants" will be found printed in the appendix.

## GOWNS WORN BY MEMBERS.

There are several regulations made by the early writers to the signet as to the wearing of gowns by members of their society. Early regulations as to gowns. Thus it is laid down, 8th Nov. 1609 :—"Since the habite suld distinguishe every one in his calling, all wrytteris to the signet are heireftir, induring thair stay within Edinburgh, bothe in thair cuming abrode in the streittis and in thair wreitting boathe, to wear all the day long (except he walk or ryde abroad without the towne for recreation), a gowne in suche forme as salbe sett downe by the commissioneris." Those having no gowns are to be suspended from office until they get them. Again, on 9th March 1610, the commissioners enact that no ordinary writer to the signet, in time of session, be found within the burgh of Edinburgh, "upon the gate" without his gowne upon him, under pain of deprivation. These injunctions seem to have emanated from a royal command, as appears from a letter of king James VI. to the lord chancellor, Alexander, earl of Dunfermline, and the president and other lords of the college of justice, in which the king states that his regard for the dignity of the college of justice had moved him "to præscribe decent habites to the wholle members thereof according to their seuerall degrees, with expres commandement that the same should be præciselie obserued and the contraueners censured"; and that of late he had heard "that diuers of that body, but in speciall some lawyers and writers to the signet, do not weare the habite præscribed to them, but walk commonlie in clokes." He therefore desires that all who have the honour to be of the college of justice be ordained "everie one of them in their seuerall degrees to weare their said habites at all tymes and at all places therein conteyned."<sup>1</sup> This regulation, having been often transgressed, was frequently renewed; the last re-enactment of it being in 1750.

<sup>1</sup> *Mémoires of the Earls of Haddington*, vol. ii. p. 73.



Abacuc Bisset  
and his  
adventures.

That the commissioners were thoroughly in earnest on the 9th of March 1610, is shown by their action in the case of Abacuc or Habakkuk Bisset, whom they suspended at that meeting for the double offence of having his residence in Aberdeen, and neither wearing nor having a gown. Mr. Bisset, it is to be feared, was an offence to his brethren. He was, if we may judge from what is recorded about him, a man of crabbed temperament, apt to get into quarrels or scrapes, stiff in his manner, like his own handwriting, of which a good many specimens exist. He also passed the great part of life *minus* four fingers of his left hand, about the loss of which he tells a pathetic tale. In the year 1587, when, if tradition is to be trusted, he was about twenty-six years of age, he was a writer to the signet, and at that time residing in Edinburgh. It would appear that in the exercise of his profession, he had given offence to two gentlemen of the name of Hamilton, who, as he tells us in his complaint to the privy council, "consavit ane deidlie feid and haitrent" against him. Not only did they refuse to pay his account on a particular occasion but they threatened his life. Bisset, however, "having committit na crime that deservit" such treatment, continued to behave himself "in peceable and quiet maner as became ane man of his vocation."

Notwithstanding this, on 24th July 1587, his two enemies, "being myndful to putt thair said ungodlie interprise to executioun, come to Sanct Gelis kirk in Edinburgh, bodin in feir of weir, with swerds pistollettis and uther invasive waponis," where they found "the said Abacuc gangand in peceable and quiet maner, a little befor fyve houris at evin, awaiting upon the fyve houris bell to the evening prayeris, quhair he was myndful to have said his prayeris to God, conform to his accustomed use, having na swerd waponis or armour." The two Hamiltons neither appreciated his quiet walk on the summer's afternoon, nor the sacredness of the hour. They set upon him in the church, broke his head with the pommels of their swords, and when he fled, pursued

him to the west porch of the building, where they again struck him, leaving him "mutilat and dismemberit" as already stated.

So gross and open an outrage on a member of the profession could not be passed over in silence, and accordingly Mr. Abacuc's complaint to the privy council was backed up by the lord advocate, then Mr. David MacGill of Nisbet, and by Mark Ker of Newbattle, conservator of the privileges of the college of justice, in name of the whole senators, advocates, scribes, writers, and other members of the same.<sup>1</sup> But except as a token of *esprit de corps* it does not appear that this support availed anything—the aggressors were denounced rebels for non-compearance, but that seems to have been all the satisfaction Bisset gained for the loss of his fingers.

The college of justice supports his complaint.

After this he transferred himself for some years to Aberdeen, where it would seem he again suffered in the same way. In 1608, when once more on his way to the kirk, in a "moist quiet and peciable maner," he was set upon at the instance of a professional brother—a notary, and received "many deidlie stryakis on heid, schoulderis, and small of his bak," being left for dead. He survived, however, and duly made a complaint; but it must be regretfully recorded that in this dispute he did not come off well, for not only was he defeated, but his adversary accused him of slander in regard to another matter, and the Council found that Mr. Abacuc had behaved himself "verie maliciouslie," and admonished him "verie scharplie, to forbear in future."

Retires to Aberdeen.

No wonder, therefore, that he was censured by the society to which he claimed to belong, and when in 1613 he petitioned the commissioners to repone him that he might "use his office alsweill within the burgh of Edinburgh as furth thairof," the petition was refused.<sup>2</sup>

It must be acknowledged, however, that the practice of wearing

<sup>1</sup> Register of privy council, vol. iv. p. 204.

<sup>2</sup> In the same year John Thomson and William Speir were suspended from exercising

their functions, because of their "removing furth of this burgh, in sa far as concerns thair wryting to the signet."



## 1 THE SOCIETY OF WRITERS TO THE SIGNET

Gowns in 1679  
and 1746.

gowns was in later times much neglected, for in 1746, when, as formerly stated, the society resolved that members should wait on the duke of Cumberland in their gowns, the only precedent they could find was a similar honour paid to James, duke of York (James VII.) in 1679, when he came to Edinburgh as the king's high commissioner. Moreover, there was some uncertainty about the form and colour of the gowns worn on that occasion. Several members were of opinion that the gowns were red, but black was deemed a more suitable hue, and the fashion of the gowns was ordered to be adjusted by the deputy keeper and two other writers to the signet. The stuff was to be "Scots shalloon," serge or crape, according to taste, the keeper's gown being distinguished by a neck of black velvet and black silk loops. A gown and baton also were provided for the officer of the society. Although the ancient regulations as to the constant wearing of gowns have thus been long in desuetude, writers to the signet still wear their gowns on occasions of ceremony.

Woollen dress  
recommended  
to members.

Apart from the question raised in 1746 as to the dimensions and hue of their gowns, the society in that year resolved, in order to encourage the Scottish woollen trade, that at their next general meeting each member should appear dressed in Scots woollen cloth. A committee was appointed to arrange further action towards advancing the trade, and they earnestly recommended every member to wear the cloth "as his occasions require new cloathes" and recusants were to be fined.

### THE BOX OR COMMON FUND.

Almost from the beginning of the minutes, the kist or "box" appears as an important institution of the society. As early as 1609, unlaws are appointed to be converted *ad pios usus*; a benevolent arrangement which implies the keeping of some sort of treasury in the hands of the clerk. Thereafter the minutes contain a multitude of entries of fines and fees given to the box,

and due notice is taken of the placing of fines by the clerk in the box, in the presence of the commissioners. But as the subject of fines and finance is fully touched upon elsewhere, the details need not be here given.

One investment, however, made by the society, may be commented on at greater length. In 1677 nine hundred merks were advanced to Alexander Gordon of Earlston, upon a bond over his estate in Galloway. It is characteristic of the uncertain possession of landed property in the fighting times of the seventeenth century, that the borrower's undertaking had to be supported by the joint obligation of two cautioners, William Cleland of Faskine, and Mr. John Baillie of Carfin. All three co-obligants were involved in the movements of the covenanters, the borrower's father, William Gordon of Earlston, having long been a man of note among that party. In 1662, the elder Earlston had been fined £3500 for nonconformity. For a like offence, in 1663, he was banished the kingdom, but in 1667 he was allowed to return home. In 1676 he made over the barony of Earlston to his eldest son Alexander. It is not unlikely that the loan obtained in the following year had some connection with this transaction, or with the designs that gave rise to it. Earlston's ostensible purpose in transferring the estate was to fulfil obligations arising under his son's contract of marriage, but it was a common expedient with gentlemen who found themselves in deep water amid the shifting political currents of those times, to convey their lands to their heirs, and so save the risk of the estates being lost to their families by forfeiture. William Gordon remained in occupation of Earlston, whence, in June 1678; he and his son set out to join the covenanters who had taken up arms in Lanarkshire. The father was killed while on his journey. His son, Alexander, escaped from the field of Bothwell brig and went abroad. On the 18th of February 1680, Alexander Gordon was summoned before the court of justiciary on a charge of treason. Failing to appear, he

Bond by Gordon  
of Earlston.



was found guilty and sentenced to death. His estates also were confiscated. These proceedings caused anxiety to the holders of the bond over Earlston, and five days later the commissioners of the signet met, and the treasurer having reported upon the subject, the meeting requested the deputy keeper, sir William Sharpe, "to deal with John, duke of Lauderdale, his majesty's secretary, and the commissioners of the treasury, that no gifts be passed of the said Alexander Gordon's forfeiture, for his rebellion in being with the rebels in the west, in June last, until the said debt be paid." There is no report of the result of the interview thus appointed to be held, but it would appear that the society's claims were fully admitted by the authorities, and that the debt, although not repaid, was kept up as a burden upon the forfeited estate.

In 1690 there is a minute of the society directing the treasurer "to look after the loan due to the writers to the signet by Earlstoun," who in the meantime had been restored to the estate, which had previously passed through several hands. In 1692 lord Rankeillor came forward, and paid up two-thirds of the original debt. An arrangement was then come to which secured the speedy extinction of the burden on the estate. The terms granted were favourable, the society's action being prompted by consideration of the pressure of the laird of Earlston's circumstances, owing to his late forfeiture, and of the "brocken" condition of his two sureties. It may be added that, in 1718, the laird of Earlston succeeded to a baronetcy, which had been conferred on his younger brother William, and which his descendant still holds; that he died in 1726; and that his son, William Gordon of Greenlaw and Culvennan, was a writer to the signet.

#### CHAIR OF HUMANITY IN THE UNIVERSITY.

Towards the end of the sixteenth century the society aided in the establishment of a chair of law in the university of Edinburgh, being

the first addition to its teaching staff. In the year 1590, after much preliminary discussion, a contract was entered into between the college of justice and the town council, for the foundation of a professorship "of the laws." By that contract, the lords of session on the first part, the advocates and writers to the signet on the second part, and the town council as third parties, each provided the sum of £1000 Scots for the endowment. The chair was, however, soon diverted from its original purpose, and the professor was occupied in teaching, not law, but Latin and Greek. On the occurrence of a vacancy in 1597, the founders agreed that the occupant of the chair should cease to be a professor of law, and should become instead a regent or professor of humanity. At the same time the professor's income was reduced to one-third of the original endowment, and the remaining two-thirds were devoted by the patrons to the maintenance of bursars. By an arrangement come to in the same year, the patronage of the chair of humanity was vested in six commissioners, two to be chosen by the lords of session, two by the town council, one by the advocates, and one by the writers to the signet. Except in so far as altered by the universities act of 1858, which substitutes the curators of the university as patrons, instead of the town council, this arrangement still remains in force.

Law professor-  
ship, 1590.

Chair of  
humanity.

In the following century the town council proposed to the college of justice that the chair of humanity should be abolished, in order that its work might be transferred to the high school of Edinburgh, and the revenue of the chair expended on bursaries. On the 11th of January 1648<sup>1</sup> the writers to the signet were accordingly convened in the parliament house "anent their voytis, craved quhidder thair annual-rent of fyve hundreth pundis destinat and mortifyeit for ane help to ane professor in the college of Edinburgh, according to the first institution, sould be employit to that use, or for intertenement of ane bursar." The meeting unanimously refused "the inversioun

Proposed  
changes.

<sup>1</sup> Sir Alexander Grant, in his *Story of the University of Edinburgh*, gives the date of this proposal as 1656, but the minutes of the town council corroborate the date given in the text.



of the first fundatioun," and declined to interfere with the professorship. Such was also the decision of the college of justice as a whole.

Medal.

It may be added that, in 1824, the writers to the signet instituted an annual medal of the value of ten guineas to be given as a prize to the best Latin scholar in the senior humanity class. In 1860, however, the giving of this medal was discontinued "for the present."

In 1708 the society showed its interest in the scientific enterprises of the day by appointing four of its members to visit "a machin" termed "a *perpetuum mobile*," invented, or at least promoted, by Mr. Robert Stewart, minister of the gospel, and recommending a collection towards its expense. In 1794, further aid to science was given by a vote of twenty guineas a year, payable for three years, towards keeping up a museum of natural history established by Mr. Alexander Weir at number 16 Princes Street, Edinburgh.

#### GRANTS TO PUBLIC WORKS AND CHARITIES.

Public works.

There are recorded in the minutes of the society many grants in aid of public works of various kinds, as, for example, towards the building of the royal infirmary of Edinburgh in 1738; for the erection of an observatory for the university of Edinburgh; and also in 1738 towards the establishment of the orphan hospital in Edinburgh; for the relief of the burgh of Kinghorn from the expense incurred in building a harbour at Pettycur in 1760; to the maintenance of the poorhouse and charity workhouses in Edinburgh; towards the erection of a church for the Gaelic-speaking community of Edinburgh in 1768; for the building of "a qualified English chappel in Edinburgh in 1774"; and for other works of a like kind. In 1751, five hundred guineas were given towards a scheme for rebuilding ruinous houses in Edinburgh in such a way as to afford "great decorement to the city and many large conveniencys." In 1788, when it was decided in the court of session that the writers,

as members of the college of justice, were exempt from payment of the poor-rates then levied, the society resolved that, as their action in the matter had arisen only from regard to the privileges of the members, a donation of five hundred guineas should be given from the funds in support of the charity workhouse of the city. Similar large grants were, at other times, given for the same object. In 1789, six hundred guineas were voted towards the erection of new buildings for the university of Edinburgh, and a further sum of two hundred pounds was devoted to the same purpose in 1812. In 1796 there occurs an entry of two hundred and fifty guineas given for supplying meal to the poor at reduced prices. At various times the charity of the society has been directed towards the assistance of those who suffered from the fires which formerly were of frequent occurrence in Edinburgh. In 1824, two hundred and seventy-three pounds were given from the funds to meet such a case. The contributions of the society towards works of public importance have been continued down to the present time. Thus, for example, in 1872 a grant of fifty guineas was made for the improvement and restoration of St. Giles' church, Edinburgh, and in 1880 one hundred guineas more were given in aid of that important work. In 1883 two hundred and fifty pounds were voted for the extension of the Edinburgh university buildings. In a very recent minute there is a note of two hundred and fifty pounds subscribed towards the foundation of the imperial institute of the United Kingdom.

Besides making such grants to public works and charities from the common fund, the commissioners frequently directed the attention of the ordinary members to charitable objects lying beyond the limits to which the public benefactions of the society were confined. Thus, in 1610, "the commissioners ordanit the hail bretherene to gif support, according to thair chirritie, for help of the pure Italiane, Francis de Parisco." Another such case occurs in 1616, when a petition is presented to the society from the burgh of

General  
charities.



Cupar, "for reparatioun of thair buildingis and guidis, laitlie brunt and destroyit be fyre." Having considered this petition, "the hail brether, all in ane voce, grantit to gif them supplie, as thai suld be movit thairto of thair awn willis," and appointed collectors to obtain subscriptions from the members. In 1618 there is a notice of contributions given by the writers to the signet "to the supplie of the brig of Crawmond." There are also two interesting entries, in 1631, regarding a collection made among the members of the college of justice "for the help and supplie of the pure distressit pepill of the palatinate," on whom the troubles of the thirty years' war had fallen with great severity. For this object there was collected a sum of £2984, 10s. 4d. Scots, of which £926, 17s. was given by the writers to the signet. The fortunes of the palatinate had been made specially interesting to Scotsmen by the marriage of the ill-fated elector Frederick to princess Elizabeth, daughter of James VI.

Poor's fund.

In 1685, "the hail bretheren, in consideration of the multitude of their poor, and for the inress of their stock," volunteered each to pay the treasurer £3 Scots a year for the use of the poor. In 1703 it was resolved, in respect of the smallness of the stock, and because the poor of the calling were numerous, "that therfor ther be ane act made discharging the intrant wryters of any expences of drinking or otherwayes at the examinatione and admissioun," and that, in place of the £166, 13s. 4d., payable for the poor and the "house," at the admission of a member, the payment be increased to £200 Scots. In 1755 further steps were taken in the same direction.

The society, moreover, on occasions took further means to obtain aid for the poor of their number. Thus, in 1663, two of the brethren were appointed to speak to the kirk treasurer, to obtain from the funds in his hands some help for Judith Nairn, relict of Mr. Alexander Carmichael, W.S., to whom the society itself had voted relief. Further, it was to be intimated to the kirk treasurer, that, if help were not given in this case, the society would withdraw its monthly contribution paid to the deacons of the kirks for the poor of the burgh.

In 1667, again, we find the treasurer, by instruction of the commissioners, "indenting" John Alexander, son of the deceased Robert Alexander, W.S., as apprentice to Gavin Sangster, "tailzeour, and freeman in the Cannongaitheid," and paying £50 Scots from the funds as his apprentice fee. On behalf of the brother of this apprentice, Alexander Alexander, "ane poor young orphan of six yeirs or thereby," the treasurer is appointed, at the same time, to pay five marks a month "for his entertainment," and to make further payments for his schooling and clothing. In the following year the treasurer reports that he has paid £50 Scots as a fee on account of George Neill, son of the late Robert Neill, W.S., on his being apprenticed "to John Tailzeowr, tayliowr burgess of the Cannogait." On the same day, the commissioners having voted a grant of three rex dollars to James Hog, a pensioner of the society, and apparently an old advocate's clerk, resolved that three of their number should speak to sir Robert Sinclair, the dean of faculty, anent the said James Hog, that he might get some help from the advocates' box.

That charitable cases were carefully considered upon their merits, appears from the frequent language of the minutes regarding them. We come constantly upon cases described in terms like the following: "ane aged poore man"; "a seicklie infirm blind man, in his necessity and great distress"; "ane poore and indigent seicklie man, who hes lyn seik this whyll by past"; "ane poor zong orphan"; "ane aged infirme and poore woman"; "poore fatherles childrene"; "ane sicklie poore indigent woman, unable to goe to service, or act anything for her lyvliehood"; "ane poor sicklie man, having the perills in his head, and other infirmities of his bodie"; "ane indigent sicklie widdow, having three children"; "ane wryter's son, for buying him cloaths"; and so forth. In doubtful cases there is added, at times, some quaint proviso, such as "that they be no farder troublesome in any tyme coming," or "and she is never to ask more," or "without any more to be given him hereafter." Many similar benefactions will be found in the chapter which deals with the funds.



## TRUSTS ADMINISTERED BY THE COMMISSIONERS OF THE SIGNET.

Craigcrook  
mortification.

John Strachan of Craigcrook, writer to the signet and fiscal of the society, by a deed of mortification, dated the 24th of September 1712, and recorded the 4th of August 1719, directed that the lands of Craigcrook and North Clermiston in the parish of Cramond, which he had purchased in 1698, should be held perpetually in trust ("the lands never to be sold, but to remaine as mortified land for ever"), and the proceeds to be devoted to the relief of "poor old men and women and orphans." The deed proceeds upon the testator's "thankful *resentment* and commemoration" of God's goodness to him in his "pains and industrie" in his "imployment," and further "withall, that none of my relatives or nearest of kin may have right to what shall happen, in land or money, to belong to me the tyme of my decease." As managers of his benefaction Mr. Strachan appointed "two advocatts, two wryters to the signett, and the presbitry of Edinburgh, at the sight of the lords of session." In addition to the general purposes of the trust, yearly grants are directed to be paid, from the income of the estate, for the following purposes, "to the advocates' poor yearly, for yr pains, fyftie merks scots; and to the wryters to the signet, one hundred merks yearly," also "for the ministers of the presbitry, yr pains, yearly twenty pounds scots, to be payed to one of ym successively for an bible, and to begin with the moderator of the presbitry and yrafter yearly ilk one *per vices*, as the presbytery shall appoint." The benefit of the mortification is restricted by the managers to persons over sixty-three years of age who have fallen into poor circumstances, and to orphan children. The income of the charity is now about £1100 or £1200 a year.

Watson trust.

On the death, in 1759, of Mr. John Watson, W.S., the society received the residue of his estate in trust for such pious and charitable uses within the city of Edinburgh as the trustees might choose. In 1822 an act of parliament was obtained enabling the

trustees to erect and endow "an hospital for the maintenance and education therein of destitute children, and bringing them up to be useful members of society, and also for assisting in their outset in life such of them as may be thought to deserve and require such aid." The hospital was completed in 1828. It is managed by fifteen directors, members of the society. Under the directors' administration the funds of the trust have steadily increased, and they now amount to over £125,000.

Mr. Joseph Thomson of Mortonhall of Eildon, by his deed of settlement executed in 1774, conveyed the residue of his estate in trust, to form a perpetual fund for the purchase of oatmeal for poor householders within the city of Edinburgh not in receipt of parochial relief. The original trustees named by Mr. Thomson having died, and others appointed *ex officiis* having failed to accept office, the deputy keeper of the signet became, in 1814, the sole trustee of the mortification. Under the administration of successive deputy keepers the fund has grown considerably in amount, and is now about £20,000. In dispensing this charity, relief is given to such poor persons only as are recommended by ministers and missionaries working in the city. In this way about twelve hundred families in each year receive aid.

Through the death, in 1828, of Mr. James Dick, a native of Forres, who had made a fortune in the West Indies, the society became connected with an important bequest for "the maintenance and assistance of the country parochial schoolmasters" in the counties of Aberdeen, Banff, and Moray. The original trustees of the bequest were the keeper, the deputy keeper, the treasurer, and eight of the commissioners of the writers to the signet chosen by the society. But under a scheme framed by the Educational Endowments Commissioners of 1882, the governing body now consists of thirteen persons, of whom eight are elected by the commissioners of the signet. The capital sum which came at first under the management of the trust amounted to £119,000, but it has now increased



to £125,000. The income of this fund is apportioned among schoolmasters of the landward parishes in the three counties, according to rules drawn up by the trustees. At the present time there are a hundred and twenty-seven schoolmasters in receipt of grants from the bequest.

**Royal infirmary.** By the Edinburgh royal infirmary act of 1870, the society became entitled to appoint annually one of the twenty-one managers of the royal infirmary of Edinburgh.

**Orphan hospital.** By a charter of king George II., granted on the 25th June 1742, incorporating the orphan hospital of Edinburgh, the keeper, treasurer, and senior commissioner of the society are appointed members of the corporation.

**Murray trust.** In 1880, under the trust settlement of Miss Mary Murray, who resided in Dysart, a bequest of £34,000 became vested in the keeper, deputy keeper, and commissioners of the signet, as trustees for the establishment of a hospital for the education of girls of respectable, poor parentage, to be household servants. Along with the keeper and deputy keeper, six of the commissioners are appointed directors of the hospital. The practical work of this charity is carried on in the hospital premises at Prestonpans, which are held by the directors on lease.

**Fettes college.** In terms of a scheme drawn up by the Educational Endowments Commissioners of 1882, the writers to the signet elect annually a governor of the Fettes trust. The governors of this endowment, coming in place of the testamentary trustees of sir William Fettes, baronet, are invested with the administration of Fettes college, and the estates and funds connected therewith.

#### HEREDITY IN THE SOCIETY.

There is always a hereditary tendency in professional life, but it is somewhat remarkable to find heredity so strongly developed as it has been among the writers to the signet. The same surnames appear again and again upon the lists, and the connection of many

families with the calling has been kept up through a long series of years. The continuance of a family for three generations in the society is so common as hardly to attract attention. It is more notable to find such a race as the Russells of Braidshaw and Roseburn, connected with the body from 1711 till 1887, during which time six members of the family, constituting five generations, were writers to the signet. There have likewise been six Ferriers, six Formans, and six Steuarts, all of the same families. The list contains also five Hamiltons of Presmennan, six Andersons of Inchyra, seven Balfours of Pilrig, seven Brodies of Lethen, five Tytlers of Woodhouselee, five Tods of Drygrange, seven Mackenzies of Portmore, five Dundases of Ochertyre, and five Cuninghams of Newholm.

#### ARMORIAL BEARINGS.

On the 15th of August 1789, the society obtained from the Lyon king-of-arms a grant of armorial bearings. From the minute referring to the subject it seems that the device of the king's signet had been in previous use. The arms are registered as follows: "azure a saltyr argent, in the flanches two thistles or, and in chief and base the royal signet of the second, with this inscription on the edge, *signetum regium*."

#### NOTARIES PUBLIC.

In dealing with the history of the writers to the signet, mention should also be made of the society's connection with a very ancient body of legal practitioners—the notaries public. In the mediæval period of Scottish history the notaries were almost the only conveyancers, while the office of advocate also was very generally discharged by them. Their rise was due to the action of the western emperors, who, claiming to be successors of the emperors of Rome, aspired also to make their courts fountains of law for all the European kingdoms. As the notaries of early times were



clerics, the pope, as head of the church, exercised along with the emperor the privilege of appointing them to the special office. In due time, however, the independent princes of Europe saw the advantage of having in their own hands the nomination of notaries within their territories, and, one by one, they assumed for themselves such a right. Notaries constituted by authority of the pope and the emperor practised in Scotland from an early period, but king James III., in 1469, was the first Scottish king who asserted a claim to commission notaries for his dominions. The act of parliament by which this result was carried through sets forth that "it is thocht expedient that sen our soverane lord hes ful jurisdictione and fre impire within his realme, yat his hienes may mak notaris and tabellionis, quhais instrumentis sal have ful faith in all contractis civile within ye realme. And, in tyme cumyn yt na notaris, maid, nor to be maid, be ye imperor's autorite, have faith in contractis civile within ye realme, les yan he be examingt be ye ordinaire, and apprieved be ye kingis hienes." There follows a clause saving the authority of the papal and imperial notaries "in tymes by-gane, in all their instrumentis." It is further provided by the act "yat notaris to be maid be our soverane lorde be examinit before yair ordinaris bishoppes, and have certificacioun of yame yat yai ar of faith, gude fame, science and lawte, according for ye said office."

It is difficult now to estimate fully the importance of this statute, because the duties of the early notaries were very different from those of their successors at the present day. It has been said they were the principal conveyancers of the kingdom, but they were much more. Scarcely any matter or business between parties could be undertaken without the presence of a notary. They were to be found in the king's palace, and in the castles of the nobles, acting as chroniclers of the ceremonies of war or peace. They were to be found in the midst of feuds and quarrels, even on the field of battle, recording as calmly as might be what they heard and saw. They appear in the courts of law and in the barons'

courts; taking protests against acts of injustice, and they also watched over the transference of land rights or of sums of money lent on heritable securities. They might be seen knocking loudly at a superior's gate to demand infestment for a client, and ready to note the subsequent refusal or acquiescence. Again they were to be met recording the ejection of an intruder from a mansion or the extinguishing of a hearth fire at an eviction. All these and many other transactions were incomplete unless a notary was present to write his "instrument" detailing the proceedings. So important an office, therefore, required special enactments and special safeguards.

The establishment of the court of session, and other changes in the economy of the law, greatly altered the position of notaries in our legal system; but the rules for their admission laid down in 1469 were but little altered for more than a century. From time to time acts of parliament were passed regulating the examinations of intrant notaries. Notable among these are James IV. c. 64, 1503; James V. cc. 76 and 78, 1540; and Mary, c. 24, 1551; c. 44, 1555; cc. 78 and 79, 1563. By virtue of the last of these statutes, the lords of session and college of justice obtained the power, which they still exercise, of creating and admitting notaries public in Scotland. An act of the eleventh parliament of king James VI. c. 45, passed in 1587, "for remeid of the falsset and ignorance of sindrie notaries," requires that those to be admitted notaries should have "a reasonable understanding in the Latin tongue," and have served with one of the lords of session, commissaries, writers to the signet, or some of the sheriff, steward, or bailie clerks of the shire or burghs.<sup>1</sup>

<sup>1</sup> As this act is still a ruling authority on the subject, it may be well to give its terms:—

"For remeid of the falsset and ignorance of Sindrie notaris . . .

"It is statnte and ordanit be his matie wt auise of the thrie estaitis of .yis pñt parliamēt That all admissioun of notaris in tyme cuming ceis

and stay for the space of five zeiris next efter the date of yir pñtis And yat nane be admittit noteris thairefter bot yai that hes ressounable vnderstanding in the latine tong and is at the leiss congruus That yai have sernit and bene in cumpanie wt ane of the lordis of sessioun comissaris writtaris to ye signet or sum of thei



An application for admission as a notary proceeded upon a petition presented to the court of session. A remit was then made to members of that body, styled "the lordis examinators," and, at least in the later practice, the applicant, if found qualified, was admitted by these examining judges without any report to the court. The work of examining thus entailed upon the lords of session, seems to have interfered with their other duties, and, on 31st December 1595, and 30th July 1691, acts of sederunt were passed stringently regulating the examination of notaries. The last-named act ordains, "that in time comeing, no person be admitted nottar, unless a petition be given in to the whole lords, *in presentia*, with a certificate under the hands of persones of credit attesting the petitioner to be a person of good fame, and that he hath had good breeding for qualifying him to excerce the trust of a nottar-publick; and that exact tryall be taken by the ordinary on the bills for the time, and any other of the lords to be appoynted by them (being both mett together), of the person's knowledge and qualifications, conform to the acts of parliament which are in vigour, before he be admitted nottar." It came to be the rule that the certificate thus required should be signed by an advocate and a writer to the signet. The lords examiners reported to the court the result of their personal examination of the applicant, and, if their report was favourable, the court thereupon admitted the notary. These forms coming in time to be found burdensome, the two lords ordinary who acted as lords examiners, made a remit

3ref stewart or baillie clerkis of the schyre or coñioun clerkis of the heid burrowis of yis realme And haif seruit yame trewlie the full space of sevin zeiris and reporte y<sup>r</sup> testimoniall of y<sup>r</sup> trenth and qualificatioun to be schawin to the lordis of counsall in tyme of y<sup>r</sup> examinatioun qlkis sall tak cair in the same examinatioun be thame selffis or sum of yair awin clerkis or sum of the clerkis of the signet quhome yai pleiss call to thame for yat effect. And spēalie yai sall causs the p<sup>te</sup>ie desirous to be admittit noter gif a p<sup>nt</sup> and full pruif in yair p<sup>ns</sup> of his writ-

ting and congruitie be formig of sum evident as charter of waird blenche fewferme burgage mortificatioun or apprising or of ane precept past or of ane reto<sup>r</sup> or of clare cōstat or of ane infestment of resignatioun in favo<sup>r</sup> or ad perpetuā remanētiam or sum instrument of seising, or of ane contract, a compromis, a procuratorie, a tak, a reversioun, acquittance, or sum vy<sup>r</sup> comoun forme of evident And nane to be admittit bot be triall and pruif foirsaid.—*Acts of Parliament* (Thomson, edit. 1814), vol. iii, p. 449.

to two writers to the signet specially named, "to take the tryall of the petitioners' qualifications as directed by the ffourty-fifth act of the eleventh parliament of king James the sixth, and to report." This last mode of procedure can be traced back as far as the year 1736 ; and, from 1750 onwards, it has, with the modifications after-mentioned, been followed.

In 1812, the minutes of this society bear that it was "resolved that it would be proper in future to appoint permanent examiners for the trial of applicants for the office of notary public." The change, thus proposed, meeting with the approval of the court, was adopted. Since 1886 the commissioners of the signet appointed to examine intrants to their society have also examined applicants for the office of notary public, and this practice remains in force. By the law agents' act of 1873 any enrolled law agent wishing to become a notary public may apply to the court of session to be admitted a notary, and the court may admit him and grant warrant for his enrolment on his paying the legal stamp-duty.



## CHAPTER II.

### THE LIBRARY.

THE library of the society, generally known as the SIGNET LIBRARY, is not yet a hundred and seventy years old. It at present contains more than 82,000 volumes, and for many years has been growing at the rate of about 1000 volumes annually. The books are arranged in two large halls and in a number of smaller adjoining apartments. In the upper hall (138 feet by 41) are placed works of general literature, history, and science, English and foreign. The lower hall, which is used as the public reading-room (104 feet by 41), contains the principal law-books, Scottish and English, as well as British history, topography and biography, with voyages and travels. Leading from the lower hall, and on the same floor, are the rooms assigned respectively to the deputy keeper of the signet and to the librarian, which, with the west lobby, are filled with books. Above are the commissioners' room and the session paper room, while below, on the basement floor, is a series of apartments known as the fiscal's or map room, the civil law room, and the magazine room, with three others, unnamed, and recently furnished with shelves,—making eleven in all.

Law library,  
founded 1722.

The germs of the library were created, on the 12th November 1722,<sup>1</sup> by an order of the society to the effect that all the Scots law-books, and the acts of parliament passed before and after the union, should be procured at once, and that to these should be added all future publications of the same kind as they appeared. The collection thus acquired was not a large one. The Scots law-

By a misprint in Mr. Bell's *Memorial* foundation of the library is dated in 1752; and  
(*Jardine's Collection of Signet Papers*, vol. i.) the this error has been frequently repeated.

books then in print did not amount to more than sixty volumes in all. The books were to lie in the Signet Office, then located in Writers' Court. Before many months passed it was found expedient to add sundry works of English law, and accordingly, on 15th July 1723, we find authority given to the treasurer to pay forty shillings sterling for the following books: Cowell's *Law Dictionary*, Jacob's *Accomplished Conveyancer*, *The Grand Precedent* by the same author, and a more recent publication, Greenwood on *County Courts*.

There were at this time no regular funds set apart for the library; and the treasurer, who was commissioned to make the requisite purchases of books, seems to have assumed some responsibility for their safe-keeping. He makes complaint to a general meeting in 1738 that certain volumes were missing, and has inquiries made for their discovery and return. The manner in which the library fund originated is curious. The customary entertainments given by intrants upon their admission to the society had apparently led to some abuses. The deputy keeper and commissioners, who had previously attempted to suppress these festivities, now (Feb. 3, 1755) imposed a fine upon any intrant who should give an entertainment of the sort; and, furthermore, "in consideration of this expense being saved to the intrants," enacted that each intrant in time to come should pay three guineas to be applied to the purchasing of books for the society, and that any clerk of the society going to such entertainments should pay five guineas, by way of fine, towards the same fund. The result was so far satisfactory that, in the following January, the treasurer was able to report that he now held in his hands from this source about twenty-seven guineas, with which he was ready to purchase books.

This original tax of three guineas was, in 1769, raised to £10; and in 1778 the payment was so divided that half the sum was paid on entering into indenture and half on admission into the society. In 1787 the whole sum was paid at the date of indenture.



As, for a period of many years from this time the average number of apprentices was forty, this tax alone produced about £400 a year.

General library,  
1788.

It was not till 1778, when this small law library had been in existence for more than half a century, that the society resolved to form a general library on a large scale, and with this view began to collect the best books in every department of literature. But the need of access to such a collection for the purposes of reference and research had been long felt. In 1740 a proposal had been made that the writers to the signet should be granted all the privileges of the members of the bar with regard to the advocates' library, which, at that time, was making great progress under its energetic keeper and "second founder," Mr. Ruddiman. A committee of members of the society met with the dean of the faculty and some of the leading advocates to make arrangements with this object, and a general meeting of the society, unanimously approving the scheme, proposed to contribute fifty guineas to the funds of the advocates' library, and to burden each intrant with the payment of 100 merks Scots. The project, however, fell through.

First curators.

It may be said, therefore, that 1778 was the true date of the birth of the general library. Two curators, viz., Mr. Samuel Mitchelson, treasurer, and Mr. David Erskine, were appointed, with powers to purchase books. A stamp inscribed with the name of the society was placed upon the books. Important donations were made at various times by members of the society and their friends. Hew Dalrymple, lord Drummore, presented a fine copy of *Domesday*, and Henry Dundas, viscount Melville, the lord advocate, procured a copy of the *London Gazette* to be regularly sent to the library. Mr. Andrew Stuart presented a set of the journals of both houses of parliament, in sixty volumes, folio; Mr. Archibald Campbell of Succoth gave a good collection of the ancient classics. Meanwhile, as the books multiplied, the curators became unable to devote the necessary time to the work assigned to them,

or to grapple with the difficulties arising from want of space. Changes were made from time to time in the number of curators and their mode of election. In 1788 there were five appointed, and in 1792 nine. The books now numbered about 3000, and many were piled on the floor for want of shelf-room. The volumes had been removed from the signet office in 1782 to a new library room. But this room in turn had been filled to overflowing. There was still no regular librarian; and a special committee, reporting on the state of the library (May 26, 1794), suggests that such an appointment should be deferred until a new library room be procured, and that meantime "the charge of the books should be committed to Mr. John Cameron, who, indeed, for some considerable time, had had the management of them."<sup>1</sup> It is probable that we owe to Mr. Cameron the compilation of the first catalogue of the library, printed at Edinburgh in octavo, 1792.

This catalogue is a rough hand-list hastily drawn up and not free from errors, but it is interesting as presenting a view of the character and contents of the collection at that early date, and indicating the aim which the curators had before them. Mr. Robert Bell, the lecturer on conveyancing, in a memorial which he addressed to the society on the affairs of the library in 1800, made great complaint of its insufficiency.<sup>2</sup> He was ambitious that it should contain not only the standard works in every branch of study, but all historical muniments which could elucidate the former state of the country and the progress of her laws. He advocated a collection of portraits as well as of manuscripts. In the opinion of Mr. Bell, the collection already made was ill chosen. Yet it will be seen that its foundations were, even at this time, laid deeply if not broadly. The deficiency was, indeed, most patent in the department in which,

First catalogue.

<sup>1</sup> In 1792 Mr. Cameron was paid £11, 11s. "for trouble." In 1795, notwithstanding the suggestion of the committee, there is payment made to him of "salary as librarian by order,

"at the rate of £25 a year, afterwards, in 1800, increased to £67.

<sup>2</sup> "Memorial relative to the library of the writers to the signet, etc., humbly submitted to the consideration of the members."



judging from its present state, we should least expect it, viz., in the national literature.

The collection  
of books.

The great European collections and works of research were already on the shelves. There were 182 volumes of the *Académie des Sciences*; 114 of the *Acta Eruditorum Lipsiæ*; Muratori's collection of Italian historians; Dom Bouquet's *Histoire littéraire de France*; the thirty folios of the Byzantine historians; the great collections of antiquities by Grævius, Gronovius and Ugolini, and Gruter's Roman inscriptions. Ecclesiastical history was represented by the annals of Baronius, the works of Beausobre, Basnage, Tillemont, and Mosheim; Hebrew literature and criticism by Walton's polyglot, the *Critici Sacri*, Surenhusius' *Mischna*, and the works of Bochart. There were also Kennicott's Hebrew bible, the *Codex Alexandrinus* of the Greek testament, Origen's *Hexapla* and the *Patres Apostolici* of Cotelierius. In French literature there were the works of Montaigne, Corneille, Molière, Racine, Voltaire, Rousseau, and Crébillon; in Italian, Machiavelli, Metastasio, Tasso, and Dante. But although there were Hebrew, Russian, Spanish and Italian bibles, there was no copy of the English version; and while English poetry was represented by Milton and Pope, there was no edition of Shakespeare, and, what is perhaps more strange, none of sir David Lindsay. In light literature the society was content with Sterne's *Tristram Shandy* and his *Sentimental Journey*. In voyages and travels, now a strong feature of the library, readers were limited to the collections of Hakluyt, Harris, and Prévost. The ground-work of the present rich collection of British topography was already laid by the acquisition of some good county histories.

The collection as a whole was certainly miscellaneous, and, while the departments of learning were unequally represented, in none was there an approach to completeness. The works were, however, not ill chosen if regarded as specimens of each class—solid blocks of literature placed here and there to mark the line of the foundations upon which it was intended to raise the superstructure.

For a few years longer Mr. Cameron and Mr. Alexander Alison, the assistant clerk to the society, appear to have had charge of the books. The curators took pains to procure suitable additions to the library, but the practical management fell into comparative neglect. In 1804 Mr. George Sandy, who had passed W.S. in 1798, was appointed one of a committee of four to draw up a report upon the state of the library. Books, it is said, were found in large numbers not stamped or entered in the catalogue; and there were masses of books and papers unarranged and unbound, lying in various parts of the house, and several volumes missing altogether. For three months Mr. Sandy assiduously devoted himself to the task of re-arranging the books and restoring the library to its proper condition. An evidence of his industry remains in the inscription *Ex libris bibliothecæ scribarum Signeto regio* which he wrote in every volume then in possession of the society. He next turned his attention to the catalogue, and in order to remedy the defects in the list of 1792, and to bring it up to date, he undertook the compilation of a *catalogue raisonné*, or classified catalogue, on an elaborate scale, not only specifying the titles of all the separate pieces in the several collections or transactions of societies, but analysing the contents, or giving the heads of chapters, of important works.

Mr. George Sandy,  
librarian.

This catalogue, though certainly premature, was not without its use, seeing how largely the library at that time consisted of publications of a cyclopædic and polygraphic character. Mr. Sandy's volume was printed in quarto at the university press in 1805. His preface is dated May 15th of that year; but before the book was issued, the appointment of Mr. Macvey Napier as the official librarian of the society entirely changed the aspect of affairs. For the next thirty years he was the soul of every enterprise in connection with the library, and to his energy and zeal is in a large measure due the merit of selecting and accumulating whatever is richest and most valuable in the present collection.

Mr. Macvey  
Napier,  
librarian.

Mr. Sandy, shortly after the completion of his catalogue, received



the appointment of secretary to the bank of Scotland, and held that office for about thirty years. The society, however, elected him a curator of the library for life. He was a well-known character in Edinburgh, and his portrait or caricature, with a description of his features and figure, more forcible than flattering, may be seen in Crombie's *Modern Athenians*. Mr. Sandy died in 1853.

Library building.

But to return to the history of the buildings. In 1778 when the library, as has been said, first emerged from its chrysalis state, the society was already contemplating the erection of a new hall and library room on ground which was at that time for sale, near the session house, "where the old burgh room stood." The cost of the new ground and building was to have been £3000, and the value of the old signet office was estimated at £200. The society however, after some negotiations, thought fit to abandon the scheme. Yet some increase of accommodation was imperative; and when, two years later, Mr. Walter Scott, the father of sir Walter, and other influential members once more urged the acquisition of a set of rooms with a hall (35 feet by 22) for the sum of £2000, a large majority was in favour of the proposal. Still nothing was done, until in 1782 the society was content to purchase the house or flat immediately above the signet office in Writers' Court for a hall and library (at £342), adding to it, in the following year, the house immediately below, which was purchased from Mr. James Marshall, W.S. An entry from the hall into the exchange was then made. Here was the library room, which contained the 3000 volumes catalogued in the list of 1792, and which the committee of 1794 reported to be "totally inadequate," from the great increase of books lately purchased. The hall, too, described as 29 feet by 18, "with a large table in the midst," was said to be not large enough for a full meeting of the society, which then numbered about 280 members.

There was now some talk of acquiring part of the public buildings about to be erected in connection with the parliament house, but the project seemed too remote to be taken into practical consideration.



LOWER HALL





In the last year of the century a definite proposal was made to purchase the house of Mr. Home Rigg in the Royal Bank Close—a proposal vigorously advocated in the above-mentioned memorial by Mr. Bell, who appends to his paper a plan of the building, with certain alterations intended to adapt it to the needs of the society. This house was to cost £2000. The principal apartment measured no more than 30 feet by 18, but there were six other rooms besides one intended for the signet office. Again the projected purchase failed to secure the suffrages of the majority. But, as on the former occasion (1782), the society preferred to enlarge its existing premises; and accordingly, in 1807, secured the adjoining house belonging to Mr. Ross for £220, and opened a door between the two houses. This gave the members a room, slightly larger than that in Mr. Home Rigg's house, and a residence for the officer. The new librarian, Mr. Napier, took an active part in the transaction. It was in this same year, 1807, that the curators opened a minute-book of their proceedings, and the first entries have reference to the necessary alterations for the rearrangement of the books in the new building. The revenue of the library fund was now about £500.

It is noteworthy that just six months after the books were re-distributed in their new home, Mr. Napier reported that the time had now come when it appeared desirable for the society to co-operate with other public bodies in the acquisition of the area laid out for buildings in the vicinity of the parliament house. Shortly afterwards we find Mr. Reid, architect, who was empowered to treat with communities desirous of being accommodated in these buildings,<sup>1</sup> attending at the request of the library committee to explain the plans he had drawn up. The space allotted to the society was on the lower floor of the building, on a level

Newhall and library  
Parliament Square.

<sup>1</sup> Trustees were named by act of parliament, for the purpose of erecting certain public buildings in immediate connection with the parliament house, and it was proposed to include in the plan of these buildings a hall and

library for the writers to the signet, "upon their agreeing to defray a rateable proportion of the general expense."—Report from the library committee, March 7th, 1809 (Jardine's *Papers*, vol. ii.).



with the parliament house—into which there was to be a door opening from the lobby upon the site of the old goldsmiths' hall—in length 103 feet, in breadth 38, and in height 20. At the extremity of this space and adjoining the signet office—a part of the building for which provision was made in the act—it was proposed to have small rooms opening from the library for committee meetings, etc. The estimate of Mr. Reid, confirmed by an estimate furnished by Mr. Burns on behalf of the society, was £5000.

The committee calculated that, after the sale of the premises in Writers' Court, there would probably be a deficiency of £3000, and that the expenses of fitting up the new apartments would amount to £1000 more. On this supposition they proposed to borrow £4000 from the general or poor's fund, and to pay the interest by an annual subscription of one guinea from each member. The scheme was agreed upon at an annual meeting in March 1809. Various modifications of the plan of the building were subsequently made (November 1810) in certain details, especially with regard to the arrangement of the rooms at the west end of the library; and there was considerable delay before the draft contract was completed. From November 1810 to January 1812 nothing was done. The society then called to their assistance Mr. Stark, architect, and instructed him to prepare detailed designs and working plans, to furnish them to Mr. Reid, and to inspect the work from time to time as it proceeded. The building was begun in November 1812 and finished in March 1815. It was then found that there was due to the trustees the sum of £3424, 3s. 7d., in addition to the £5000 of the original estimate. £755, 10s. 3d. was to be paid to architects; the painting and carpets had cost £1050; and a honorarium of £525 was bestowed upon the librarian, who had throughout superintended the work in all its details. The total cost of the new buildings amounted, therefore, to £10,754, 13s. 10d. The old apartments in Writers' Court sold for £1600. It was now apparent that after the payment of the interest on the debt,

and the salaries and other necessary annual expenses, there would, with the existing sources of income, remain very little for books. The tax on apprentices was accordingly now raised from £20 to £50, which, it was calculated, would amount to, at least, £2000, and would leave for the purchase of books £1286. This sum, adds the committee, "although apparently large, will be found to be not more than adequate for the expenditure necessary for preserving the high character the library has already most justly acquired."<sup>1</sup>

The books now multiplied rapidly. From 1808 to 1814, in the enlarged rooms in Writers' Court, the progress had been steady, the annual expenditure on books and bindings gradually advancing from £450 to £632. But in 1815 the curators recognised that this was not "nearly adequate to the double purpose of supplying the many deficiencies in useful literature and the new publications of interest." The average expenditure for the next seven years suddenly leapt to £1155 for books alone. In 1823 the sum so spent was £1575, exclusive of £256 for binding; and in the following year the same accounts amounted to £1994, 12s. 3d. The library also received in 1821 a remarkable donation of Polish literature and works upon Poland, 180 volumes in all, from the count Constantin Zamoyski, in recognition of the courtesy shown by the society in allowing him and his friends the use of the library; and his generous example was shortly afterwards followed by count Sobieski, who presented fifty additional volumes of the same kind. In 1825 it was reckoned that the number of books was five times what it had been in 1805, that is, probably about 30,000 volumes as compared with the 6000 of the former date.

Expenditure  
on books.

It is not surprising that the society should, by this time, have again felt the pressure of want of space. The apartment hitherto used as a lecture room in the basement was in 1825 appropriated for books. In the following year, Mr. Napier reported that further

Acquisition of  
the upper hall.

<sup>1</sup> "Report from the committee respecting the new hall and library, 24th November 1815."—*Jardine's Collection*, vol. ii. No. 20.

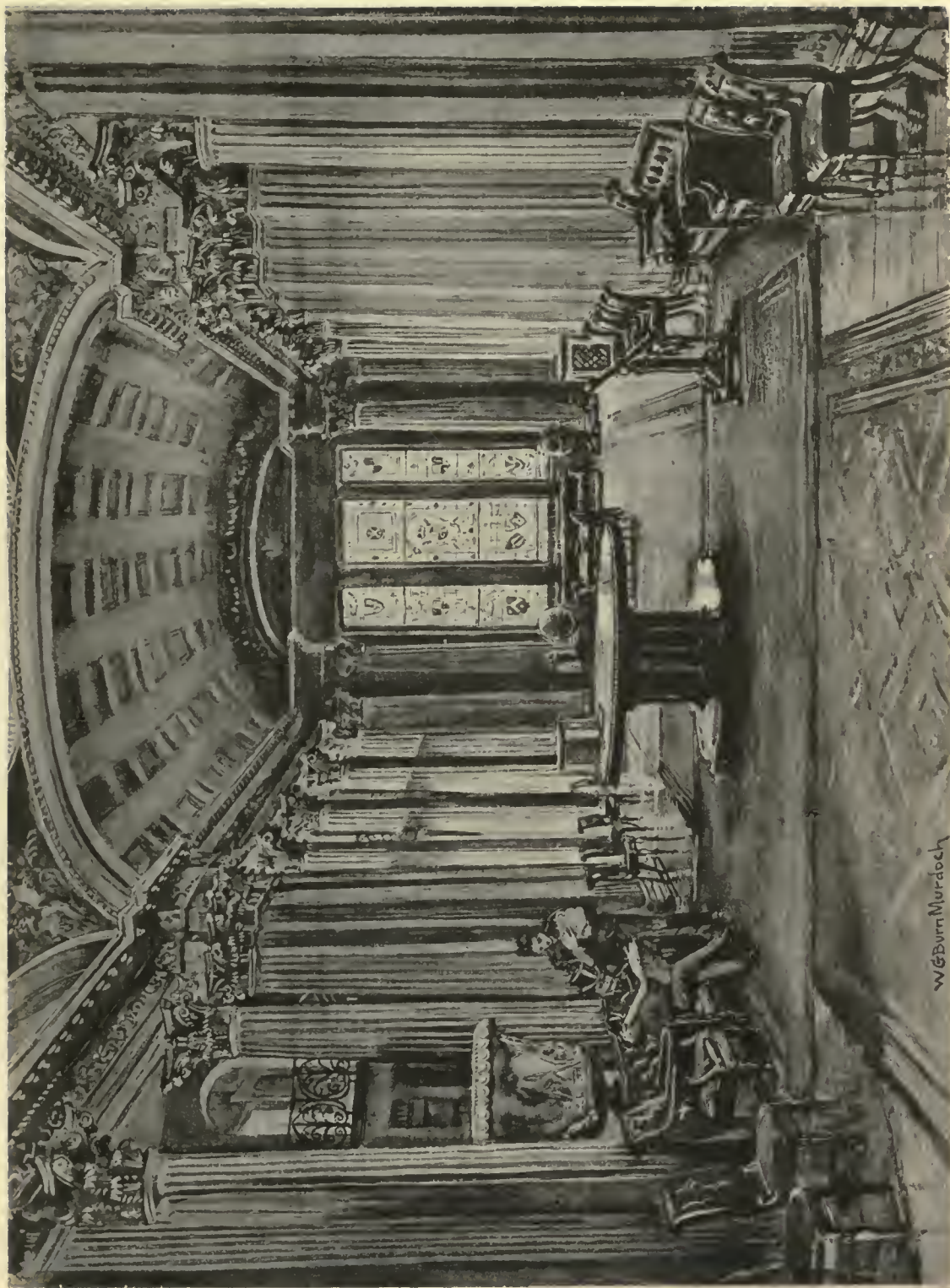


accommodation had been gained by the removal of the business of the signet office to the general register house, and he was looking forward with much satisfaction to the possession of "the noble library room lately purchased from the faculty of advocates." The room or hall referred to, occupying the floor above the signet library, formed part of the advocates' library. It was purchased by the society for the sum of £12,000 in 1826, but for a few years more the faculty of advocates retained the use of the room, paying rent to the society. In 1826, also, certain alterations were made in the lower floor or basement, and a sunk area was formed on the north side of the library. In 1829, we find Mr. Napier requiring the assistance of two sub-librarians, for (he reported), "besides the large room or hall, there are at present five apartments, one of very considerable dimensions, nearly filled with books, all of which apartments have been brought into use within the last few years. Two assistants will at least be necessary, even if not a third, when the upper hall comes into use."

Regulations for the management of the library, substantially those now in force, were at this date (1826) printed, and the librarian was instructed, that it was his duty "to attend to the selection and purchase of books, not merely the publications of the day, but all the works in the various departments of learning, ancient and modern, proper for the formation of a general library on an extensive scale." As an example of the liberal manner in which this principle was put in practice, it may be noticed that in 1832, at a meeting of the curators, it was on the suggestion of the librarian, unanimously resolved to purchase the *Cabinet du Roi* for £120, and *Humboldt's Voyages* for £160.

At last in 1833 access was obtained to the upper hall. Thirteen thousand volumes were removed to this hall. Alterations were made in the staircase leading to it, and a new communication effected with the basement floor from the east end.

About this time (1834-6), a number of portraits of eminent



UPPER HALL

W.G. Burn Murdoch





members of the college of justice were acquired by or presented to the society, and hung upon the walls of the staircase and lobby leading to the new hall.<sup>1</sup>

The architectural features of the two halls and the rich display of literary treasures within them are described by Dr. Dibdin, who visited Edinburgh in 1837. This enthusiastic bibliographer and antiquary in characteristic language thus records his impressions on passing from the adjoining library of the faculty of advocates:—

Dr. Dibdin's  
description of  
the library in  
1837.

“We put on our hats, and it is scarcely more than a hundred paces to the neighbouring ~~Paradise of Books~~ called the SIGNET LIBRARY. It is like ‘the purple light’ of Virgil’s Elysian fields, after the combined darkness and narrow limits from which we have just emerged. The site as well as the approaches to the library are everything we can wish them to be. Spacious, ornamental, commodious, and replenished thickly with goodly and gorgeous tomes, the whole has an absolutely palatial air. Grandees with fur cloaks should be the inmates. But let it not be supposed that the humblest aspirant may not obtain the volume of which he is in need, and that this interior is not frequented by students, artists, and readers of every grade and description.

<sup>1</sup> Among these were a portrait of Hew Dalrymple, lord Drummore (d. 1755), painted by the younger Medina, and presented by Robert Menzies, W.S.; another of Patrick Grant, lord Elchies (d. 1754), painted by Allan Ramsay, and presented by Richard Mackenzie of Dolphinton, deputy keeper, and a portrait of sir James Stewart of Goodtrees, bart., lord advocate in the reigns of William and Anne, presented by Mr. John Parker, S.S.C. A little later Mr. David Laing presented a portrait of Andrew Fletcher of Milton, lord justice-clerk and keeper of the signet, painted by Allan Ramsay. The lords justice-general Hope and Boyle, at the request of the society, sat for their portraits, which were painted by sir John Watson Gordon; and in 1855 the society purchased the portrait of James Anderson, W.S., the author of *Diplomata et Numismata Scotiæ* (d. 1728), by John Vande-

brank. A portrait of Thomas Hay of Huntingdon, keeper of the signet (d. 1755), was presented by his granddaughter, Miss Hay. Two notable Raeburns also now hang on the walls—David Hume, professor of Scots law in the university of Edinburgh, afterwards one of the barons of exchequer (d. 1838), and Robert Blair of Avonton, lord justice-general, painted in 1811. The portrait of George Dallas, W.S., author of the *System of Styles* (1697) was copied from the original, in the possession of his great-grandson William Dallas, W.S., painted by sir John Medina. Mr. James T. Gibson Craig, W.S., presented the portrait of his father sir James Gibson Craig of Riccarton (d. 1850), and a bust of him by Thomas Campbell. There is also in the lobby a marble bust, by the same sculptor, of Colin Mackenzie of Portmore, deputy keeper, who died in 1832.



“One man is climbing the heights of Chimborazo in a marvelously fine set of *Humboldt's* travels: another is measuring a portion of the Coliseum in a set of *Piranesi's* works, of equal splendour and perfection: a third is lost in astonishment at the wild gambols of some savages in a proof impression of one of the plates of *De Bry*: a fourth is mounting a pyramid in *Denon's* Egypt: while yonder is an active group busied in gazing upon the statues of the Florentine and Clementine museums. Apart sits a solemn student, extracting from the lore of the *Acta Sanctorum*, in a copy of that work which had been Meerman's, and which, as far as my own experience goes, is unrivalled for ligature and condition. And then such a beautiful set of *Picart!* But this is highly irregular. My good friend, the newly appointed librarian of this collection, Mr. David Laing, stands on the landing-place of the upper room to receive me. I had first, however, surveyed the lower room. Each room is 120 feet in length;<sup>1</sup> and enfiladed—especially in the lower one—by two such long rows of Doric columns, so closely communicating with each other, that the effect is most singular—and certainly not in the best taste. You would fancy in a little time, that these pillars would leave their resting-places, and go down a country dance with their opposite neighbours. The upper room is as thickly studded with pillars as the lower; but they are less heavy, and fluted—of the Ionic order.<sup>2</sup> The whole effect of this upper room is exceedingly beautiful as well as novel: while the central cupola, filled with an allegorical painting by Stothard,<sup>3</sup> adds to the lightsomeness and splendour of the interior. My last visit to

<sup>1</sup> The mere correct measurements have been given above, p. lxxi.

<sup>2</sup> Rather, of the *Corinthian* order.

<sup>3</sup> This painting was begun by Stothard June 4th, and finished August 1st, 1822, when the hall was in the possession of the advocates. This design, which Mrs. Bray (*Life of Thomas Stothard*, p. 166), describes as “a splendid monument of his genius,” represents Apollo and the Muses in the centre, surrounded by por-

traits of orators, poets, historians and philosophers. Opposite Apollo is Demosthenes with Cicero on his right, and Herodotus and Livy on his left. The modern historians and philosophers are Hume, Robertson, Gibbon, Sir Isaac Newton, Lord Bacon, Napier of Merchiston, and Adam Smith. In the group of poets Homer occupies the centre, with Shakespeare and Burns on his right, and Milton and Virgil on his left.

this interior was in company with Macvey Napier, Esq., the late librarian; who kindly devoted the better part of an hour to give me a *précis* of its contents. The plan is admirable. No pains have been spared to render this fine collection of books of real service to the studious. Long sets of the most costly volumes—such as are beyond the means of ordinary private purses to procure—are here duly arranged—to captivate the eye and warm the heart of the tasteful. A spirit of liberality has been evinced, such as I find nowhere to the south; and if Edinburgh produce not a genuine breed of all that is good and gracious in *book-lore*, the fault must not be laid at the doors of those to whom this magnificent and richly furnished library is intrusted.

“In the whole, there may be (as was stated to me) 40,000 volumes in this collection. The *matériel*—as I chuse to designate it—is admirable. Below, there are abundant small rooms for maps, journals, and periodicals. Here business is done. Above, the fruits of that business palpably appear. When George IV. visited Edinburgh, he was, as he well might be, struck and delighted with the beauty of the upper library. It will always have pleasing reminiscences for me: for a more friendly and gratifying hour was never spent in any library, than that which I spent here in company with its late distinguished librarian.”

In 1837 Mr. Macvey Napier, having been appointed one of the principal clerks of session, resigned the office of librarian. In a letter conveying his resignation to the curators, dated April 12th, he wrote:—

Mr. Napier's  
work as librarian.

“I found it a small, yet viewed with reference to its contents a valuable collection, for it had been formed chiefly by three members of the body possessing great zeal and intelligence, and no inconsiderable literary attainments and reputation, viz., Mr. John Davidson, Mr. William Tytler, and Mr. David Erskine. It has been

*A Bibliographical, Antiquarian, and Pictorial Tour in the Northern Counties of England and Scotland*, by Thomas F. Dibdin, D.D. (Lond.: 1838; vol. ii. p. 600.)



by following their example, in procuring books, the possession of which imparts lustre to a library, and in filling up systematically the blanks in those departments more specially interesting to a society like ours—an object which the ample funds, for many years placed at my disposal, enabled me to accomplish—that I now leave it one of the choicest and most valuable repositories of learning this part of the island possesses. No one can ever again witness or aid such changes in its progress as have occurred during the last thirty years—changes which, from an obscure, murky and dangerous neighbourhood, have placed it prominently in the public eye, in apartments every way worthy of a great society, and which form one of the ornaments of this beautiful city.”

Mr. Napier left the library with a little less than half its present number of volumes. His extensive knowledge of books, which the variety of his own literary pursuits compelled him to keep well up to date, admirably fitted him for the selection of the best works on every requisite subject. In the year of his appointment as librarian, he wrote his first article in the *Edinburgh Review*, of which in 1829, and thenceforward during its most flourishing period, he was the editor. He was also the editor of the supplement to the *Encyclopædia Britannica*, published in six volumes in 1824, and of the seventh edition, in twenty-one volumes, which first went to press in 1830. In 1816, he was made lecturer on conveyancing to the society, and continued to hold the same office when in 1824 it was converted into a professorship at the university. He died in 1846.

Mr. David Laing,  
librarian, 1837.

Mr. David Laing was elected Mr. Napier's successor as librarian June 21, 1837. This illustrious scholar, who lived to edit some eighty separate works of Scottish literature and history, and obtained a European reputation as the *facile princeps* of Scottish antiquaries, was, when quite in his youth and acting as assistant to his father, William Laing, the Edinburgh bookseller—already recognised as a most genuine specimen of the old-fashioned bibliophile,

possessing "a truly wonderful degree of skill and knowledge in almost all departments of bibliography." In 1818, when in his twenty-fifth year, he was one of the candidates for the keepership of the advocates' library. In 1823, on the institution of the Bannatyne club, under the presidency of his friend sir Walter Scott, he was installed as its secretary, a post which he occupied until the dissolution of the club. In 1824, he was elected a fellow of the society of antiquaries, for which he acted for many years as foreign secretary; and there was scarcely a volume of the *Transactions* to which he was not in some measure a contributor. The testimonials which Mr. Laing brought in support of his candidature for the signet library were furnished to him by some twenty of the most eminent men of letters in England and Scotland. "Upon the strength of such testimonials," exclaimed Dr. Dibdin, "he ought to continue librarian for the next century." He in fact did so continue for forty-one years.

Unfortunately, just at the moment of Mr. Laing's appointment, the funds of the society were suffering from an unwonted depression; and for the next ten years or more, the increase of the library was by no means on a par with that in the preceding twenty. In 1857, a further restriction in the purchase of books was found to be necessary. The sum allowed for that purpose was, indeed, in one year reduced to £150. It is not therefore surprising that, a few years later, the librarian was compelled to report that the library was "falling into arrears in all departments of literature except perhaps that of law." The funds, however, before long recovered their normal condition, but the society thought fit to continue for many years a certain restriction upon the expenditure in order to form a reserve fund. Thus from 1867 to 1877, the annual amount spent on books and binding averaged no more than £298; whereas the average for the ten years 1823-1833 was £1500, reaching on one occasion a total of £4044. Yet, notwithstanding the comparative smallness of the sum at his disposal,

Depression  
of funds.



Mr. Laing's unrivalled knowledge of books, especially of such as were connected with the national history and literature, enabled him, at a time when bargains could be made more easily than now, to acquire for the library many rare and precious volumes. Meanwhile, many improvements were effected in the library in other directions.

The curators attached great importance to the possession of complete and accessible catalogues. On Mr. Napier's accession to the office of librarian, the only available catalogue was the somewhat impracticable classified catalogue of Mr. Sandy, already described. During the period of the rapid increase of books which followed, the curators were content to print a succession of supplements to this catalogue. The first of these appeared in 1820, containing the increase of ten years, arranged alphabetically according to authors in the ordinary manner. Six years later (1826) appeared another supplement equal in bulk to the former. In 1833 Mr. Sandy's thick quarto volume was recast with an alphabetical arrangement, and reduced in size, in uniformity with the supplements, and entitled part I. In the same year a third supplement, or part IV., was printed, comprising the additions since 1826. Thus the entire catalogue was made up of four equal divisions, running through four separate alphabets. To mitigate this obvious inconvenience an index to the whole was immediately projected by Mr. Shiells, one of the assistant librarians; but this was not completed and printed until 1837, shortly after Mr. Napier's resignation. This index, occupying 282 pages quarto in double columns, though primarily occasioned by the accident of the quadruple form of the general catalogue, was, in fact, an elaborate subject-index on a scale seldom before attempted, and it proved to be of the greatest practical value long after the general or authors' catalogue, to which it was appended, had ceased to be in common use.

No new catalogues were attempted for more than twenty years. But in 1849 the society authorised a grant of £150 a year towards the expenses of preparing and printing a new general catalogue.

This was completed in manuscript, occupying fifteen folio volumes, by the end of 1855. In the meanwhile there was a project of printing a series of classified catalogues of the library in sections. Mr. William Ivory, W.S., undertook the department of law, Mr. Andrew Murray, W.S., was to compile a catalogue of the works on natural history and science, and Mr. Laing was himself engaged upon the class of British antiquities and topography. Mr. Ivory's labours alone issued in a successful result. On his recommendation the collection of civil law and foreign jurisprudence was very much enlarged, and his classified catalogue, enriched with historical and critical notes, was fairly adjudged to be the best arranged law catalogue then in existence. It was now resolved to print the general or authors' catalogue. The first sheets were sent to the press in 1865, and the first volume (A—L) was completed and circulated in 1871. Before the printing of the second volume had advanced further than the letter N, Mr. Laing died, October 18, 1878.

The present librarian, Mr. Thomas Graves Law was elected March 24, 1879. The curators took the opportunity of his appointment to reaffirm the principle laid down in 1853, that "the funds of the society should be applied to procuring such books as are absolutely necessary for a public library, such as systematic treatises useful for reference and consultation, and particularly those books on history, philosophy, the arts and sciences, of an expensive description, which are not generally to be found in private libraries." Instructions were also given to the librarian that the blanks which had occurred in these departments, owing to the recent limitation of the funds, should be gradually and systematically filled up.

Mr. T. G. Law,  
librarian.

Over 1800 volumes lying unbound were sent to the binder. The general catalogue was then proceeded with. The second volume, with a supplement, was issued early in 1883. Meanwhile, an inventory or shelf list was taken of all the books as they stood in their presses, and a slip catalogue made of a collection of 20,000



pamphlets, which, on Mr. Laing's plan, had not been entered in the general catalogue; and finally, a subject-index was compiled on the lines of Mr. Shiells' index of 1837. This index is now passing through the press, and when issued will be accompanied by a second supplement containing the accessions to the library since 1882.

Comparative  
view of the  
signet library.

The library which has thus grown up out of the resolution of the society in 1778, and which now takes rank with the chief public libraries of the United Kingdom, is yet essentially a private library. It is spoken of as a public library, only inasmuch as the society has at all times offered to strangers every reasonable access to its treasures. A view of its relation to other institutions of the kind may therefore be of interest. In Scotland it is surpassed in size and value by only five libraries, viz., those of the faculty of advocates and the four universities. These ancient foundations have had the privilege and advantage derived from the copyright act, which entitled them to receive without payment copies of every book entered at Stationers'-hall; and the universities which no longer possess this right have had it commuted for an annual grant of money from the public funds. The signet library, again, is outnumbered in volumes by, perhaps, a dozen libraries in London, by two in Cambridge, by the Bodleian in Oxford, and by Trinity College library in Dublin. But outside of London and the universities, it is surpassed only by the new free libraries, supported by the rates, in such large towns as Liverpool, Manchester, Birmingham, Leeds, and possibly Sheffield and Salford. But, on the other hand, the signet library, although it has had from time to time some valuable gifts from authors, editors, or private friends, has never received a single grant of money or books from public sources. It possesses no endowment. It has been raised from first to last without any extraneous aid, by the annual income of the society, the fees of intrants, and the contributions of members. It may be safely said that no other professional community—whether legal, medical, or ecclesiastical—no scientific academy or society, in the whole of the

United Kingdom can point to a collection of equal dimensions formed by similar means.

The story of the library thus far may be said to end, as it began, with the struggles of its curators to provide room for its healthy and inevitable growth. A library which ceases to grow soon becomes a collection of curiosities, interesting mainly to the antiquary. Old books are useful and profitable in proportion as they can be brought into contact with the newest and freshest. During the last ten years room has had to be found for as many thousands of volumes, while vacant corners and cellars in the basement, for lack of better accommodation, have been fitted up with shelves for their reception. But, as the laudable ambition and enterprise which have founded and enriched the collection show no sign of abatement, the signet library has yet a promising future, and this brief sketch tells but the first chapter of its history.



### CHAPTER III.

#### THE FINANCES.

THE materials for the financial history of the society before the close of the last century are comparatively meagre and intermittent. The accounts of the treasurers of a date earlier than 1793 have not been preserved, and prior to that time the facts have to be gathered from information incidentally supplied in the minutes.

Sources of  
income.

Fines.

For more than a hundred years after the commencement of the existing minutes (1594), the society possessed neither library nor house; and the calls upon its funds appear to have been almost exclusively in aid of indigent and infirm members, or the widows of members. A main source of the income of those days arose from the fines levied upon members for transgressions of the rules of the brotherhood. Some of these fines have been already referred to in the first chapter.<sup>1</sup> Thus, a fine of forty shillings was exacted from all members who neglected to attend meetings of the society when called upon to do so by the officer, and the money in this case, as in other instances, is expressly set apart *ad pios usus*.<sup>2</sup> There was a fine of ten shillings imposed, in January 1606, for not delivering "ane copie of their servandis and prenteis hand writtis." The sum of five pounds was to be paid by any writer found drinking in taverns in time of session. It was in 1647 that the noteworthy rule was made, imposing a fine of 12s. upon any writer who should absent himself from the burial of another member, his wife or children. In 1610 George Mak was appointed to pass through the brethren's booths "and tak tryall quhat enormities and contraventionis are committed against the actis, and to report monthly, under the pain of 40s. each month."

<sup>1</sup> *Supra*, p. xxiv.    <sup>2</sup> Abstract of minutes, *infra*, p. 230; compare pp. 244, 247, 254, 270, 277.

Other sums were derived from the dues paid by apprentices and intrants. These payments varied in amount from time to time.<sup>1</sup> On 23d June 1628 John Tais was bound for three years and paid "an angel." There are entries of payments for apprentices of £3 : 6 : 8 each, in the same year; and of ten merks in 1642, 1649, and 1658. In 1656 it was resolved that each writer should on his admission pay ten merks. This sum was in the following year raised to twenty merks, and in 1671 each intrant had to pay "fourtie merks Scots money to the poores box and twentie merks to the clerk."

Dues of apprentices and intrants.

It is obvious that the sums accumulated from such sources at this period can never have been large. In 1594, as we have already seen,<sup>2</sup> the number of members was expressly restricted to 24; and half a century later, during the Protectorate, it was similarly limited to 36. After that date, indeed, as the keeper in a memorial addressed to the secretaries of state, complained, the society increased "immoderately," so that in 1731 their number had reached 110; but the increase was "to the great loss of the whole body, for half the members could not possibly live upon their incomes, and hence a larger proportion of aged and infirm brethren was brought to depend upon the society's funds for maintenance."<sup>3</sup>

The "poores box" above mentioned is frequently referred to in the minutes, and was treated with some formality. This box was in the hands of the clerk, and was used for keeping the funds as well as the securities for money lent, at least up to 1692. Thus, on the 3d December 1616,<sup>4</sup> the application of Andro Hamilton "for some help and supplie to his grite necessitie, and as he that sumtyme had servit sum of the brethren," was read and considered, and the whole brethren voted twenty pounds "out of certane money that wes in ane box of tymmer of thairs in the handis of Thomas M'Aulay, thair clerk, upon condition that the said Andrew should not trouble the members with "ony forder sute in tyme cuming";

Box for funds.

<sup>1</sup> *Infra*, pp. 246, 252, 253, 256, 269, 272, 277, 281, 313, 329, 330, 334, 366, 370.

<sup>2</sup> *Supra*, p. xxii.

<sup>3</sup> *Infra*, pp. 289-392.

<sup>4</sup> *Infra*, p. 250.



and upon a similar application made in August 1618 by Mr. Adam Hall, who had been some time "ane advocat and sua ane brother," the Commissioners agreed to give him £20, "as the rest of sum money in ane tymmer box." In 1627 there was apparently need of another box, for on the 24th December in that year it was agreed "to have a box for the fines and unlaws "with two keys, one to be held by the keeper of the register and the other by Robert Alschinder, keeper of the signet;" and in June following there is record of "20 merks debursit for making of the box." On the same day, in presence of the commissioners the "unlaws" of George Haliburton, Robert Wallace, and David Crichton, amounting to £9, 16s., were put in the box.

Appointment of  
a treasurer.

It was not until 1656 that a treasurer was annually appointed "for keeping the box and employing the money on sufficient security in his own name for the weill of the body." The president now held one key, and the treasurer the other; while the box was to be opened and the money employed only by the advice of the commissioners. The treasurer soon needed yet another box, and one of a more expensive character, for he reports in 1667 that he "had bocht ane box with locks and bands for the use of the calling at the sight of the keeper of his majesties signet, and that he had payde therefoire fourtie-two pounds two shillings."<sup>1</sup>

Auditors.

Committees were from time to time appointed as auditors to "sicht the box," or to "take tryall of the box and conditions thair of and bandis and assignatiounis thairin contenit, and to report to the bretherne." One such committee reports (January 9, 1647) that it finds, with various securities, an assignation by the late Thomas M'Awlay to the brethren of a bond of 1000 merks granted to him by the laird of Kilspindie, "bot findis not the bande." They find other assignations, one of 500 merks and another of 350, but in each case "missis the band." The bonds, however,

<sup>1</sup> This is probably the box which is still preserved in the library, and which is figured at the end of this section. In an abstract of accounts there appears an entry, "Old boxes sold, £9, 2s. 6d."

were ultimately recovered. The committee find no money in the box save two new dollars and some notes, whereof £89 Scots are bestowed "on pious uses."

On April 30th, 1683, a report upon James Allan's accounts shows charge and ready money £738, 13s. 4d, discharge £725, 6s. 8d.; "the balance due by the comptroller £13, 6s. 8d." On March 14th, 1688, the auditors find that there is due to the society, of good debts £6231, 17s. 2d. (Scots), and of bad debts £1614, 5s. The yearly pension to the poor, servants' fees, and occasional charitable supplies, are stated at £677.

In August 1695 the society took an important step which marks a new departure in its financial as well as in its social history. The increase in the number of pensioners required an augmentation of the funds for their relief. A previous act exacting payment from members of £3 annually for this purpose had proved for the most part ineffectual. It was now proposed that the society should purchase a house to serve as signet office and place of meeting. The price of this house was to be contributed "out of the wryters their own private pockets" and every writer was to give at least 100 merks in lieu of the aforesaid annual subscription of £3; or, otherwise he and his posterity were to be "for ever excluded the benefite of the poore box, except such as shall be excused by the body of the writers; and in case this sum should fall short of the price of the house, the present stock of the poor be made use of to supply what shall be wanting." The annual rent of the house was to be paid into the poor's fund. There was said to be a building "by Robert Milne of Alexander Crombie's land," where a convenient house of the kind might be secured, and it was agreed to convene a general meeting the next day in the parliament house to consider the motion.

Acquisition of  
signet office.

Accordingly, on August 15th, 1695, a committee was appointed to meet with Robert Mylne and Patrick Steele, to treat with them anent the purchase of the house. Finally the house in question was acquired for the sum of 5500 merks; and the keeper, commissioners,



and writers approving of the transaction (June 1696), appoint the contributions to be paid to the treasurer before Candlemas next, and determine that those who do not contribute shall continue to pay the previous tax of £3 annually and have their letters stopped until their bygone dues are paid. The commissioners now let to the keeper this same "lodging with its cellars and garrets" for the current year at 300 merks, seeing that the house is not fully furnished, and for subsequent years at a rent of £20 sterling. In the same year (1696) John M'Farlane, the treasurer, reports that the stock belonging to the calling extends to "about twelve thousand merks or thereby, by and attour the pryce of the lodgings lately bought by them."

Grants of  
pensions.

In 1706 the pensions granted by the society are stated at £699 (omitting shillings and pence). In 1711 the treasurer is ordered to pay "the new establishment of pensions," £943. The distribution to the poor in 1738 is set down at £850; in 1742 at £950; in 1744 at £1416; in the following year at £1404; while in 1746 it had fallen to £1176 Scots. On 27th December 1759 it was agreed to augment the pensions to widows to £12 sterling each, and on 8th March 1765 they were advanced to £20 sterling; but it does not appear how many widows were then on the roll.

While, however, the funds of the society were hitherto mainly devoted to the relief of poor members and their families, means had been found to contribute largely, as has been stated,<sup>1</sup> to other benevolent and patriotic objects.

Library fund.

Meanwhile, a new and heavy demand upon the resources of the society arose from the establishment of the library, of which an account is given in the preceding chapter. It was soon found necessary to institute a separate library fund, supported mainly by payments exacted from apprentices and intrants. The entrance fee of writers had in 1736 been fixed at 500 merks. In 1755 it was resolved that each intrant should pay three guineas towards the

<sup>1</sup> Pages liv, lv, lvi.

purchase of books, and in 1769 this tax was raised to £20 sterling. In 1779 apprentices paid £5 to the library in part payment of the £10 to be paid by intrants.

The end of the eighteenth century found the society still occupying a comparatively small house (notwithstanding sundry additions made to the original lodging acquired in 1696), and possessing a library of little more than 3000 volumes, in Writers' Court. The funds of the society had, however, considerably increased, and from 1792 we have full information regarding its financial transactions in the occasional abstracts and reports printed by order.<sup>1</sup>

For example, we find that in this year 1792 the society possessed Funds in 1792. from the poor's fund an income of £825. Thus :

Money lent on securities to the amount of	
£9921 bore as interest, . . . . .	£494 14 8
An annuity payable by the trustees of	
John Strachan of Craigcrook, <sup>2</sup> . . . . .	5 11 0
The rent of the signet office, . . . . .	20 0 0
Rent of a house in Gavinloch's land belonging to the society, . . . . .	14 0 0
Carry forward,	£534 5 8

<sup>1</sup> They will be found in the collection of signet papers formed by sir Henry Jardine and others, and now preserved in the library. See :—

Abstract of funds of the society of writers to the signet, for ten years from 1st January 1792 to 1st January 1802 (Jardine's Collection, vol. i.).

Report from the committee respecting the new hall and library, 24th November 1815.

Supplementary report, 5th December 1815 (Jardine, vol. ii.).

Report of the committee on the new hall and library, 1st February 1816.

Abstract of the accounts of the intromissions of the late Richard Hotchkiss, ex-treasurer, etc., with library fund of the society, and view of the tangible fund of the library, 1806-1826 (Jardine, iii.).

Abstract of accounts of the intromissions of Richard Mackenzie, treasurer, 1826-1829 (Jardine, iii.).

Report of committee on the funds of the society (1830), with appendix on the state of the income and expenditure of the general fund, 1823-1829 (Jardine, iv.).

Abstract of accounts, December 1829-December 1833 (Jardine, iv.).

Report of the committee on funds, 21st January 1836 (Jardine, iv.).

Report on the funds of the society and of the contributors to the widows' fund, June 17th 1835 (Jardine, iv.).

Extract from minutes of the meeting of the united committees on funds and the library, with memorials and queries for the treasurer of the society, 6th February 1824 (folio collection).

Report of the curators of the library and committee on funds, 1857 (Reports, 8vo collection).

<sup>2</sup> See *supra*, p. lviii.



Brought forward,	£534	5	8
Dividends from Edinburgh friendly insurance company on the society's property, insured on the old plan, . . . . .	6	19	3½
Dues from eight intrants at £27, 15s. 7d., . . . . .	222	4	8
„ forty-four indentures at £1, . . . . .	44	0	0
„ eighteen clerks entered at the signet office, who had not paid before as apprentices, . . . . .	18	0	0
	£825	9	8½

The Expenditure included—

Salary of treasurer, . . . . .	£5	0	0
„ his clerks, . . . . .	10	10	0
Society's extractor, . . . . .	15	0	0
Officer, . . . . .	10	0	0
Hall-keeper, . . . . .	4	0	0
Fees to officers, . . . . .	18	15	4
Interest to Aberdour hospital, . . . . .	20	0	0
Pension to three brethren at £30, . . . . .	90	0	0
Three-fourths of another, . . . . .	22	10	0
Pensions to nine widows at £25, . . . . .	225	0	0
Allowance to families and relations per warrant, . . . . .	414	0	0
Miscellaneous articles, . . . . .	15	11	0
	£857	6	5

The amount of library fund at same date was, £1363, 2s. 3½d.

The Income consisted of—

Dues paid by eight intrants at £5, . . . . .	£40	0	0
Dues paid by forty-three apprentices, at £10, . . . . .	430	0	0
Interest, . . . . .	10	18	1½
	£480	18	1½

The discharge consisted of cash paid for books, etc., £230, 8s. 5d.

A notable event in connection with the financial history of the society was the arrangement made in 1809 by which the society agreed to erect, in the Parliament Square, the present lower hall and adjoining apartments on the same floor, for the estimated sum of £5000. To raise the money it was resolved to sell the old tenement (which was eventually done for £1600) and to borrow the remainder from the poor's or general fund. The interest of the sum so borrowed was paid, as before mentioned, by an annual contribution of one guinea from each member.<sup>1</sup>

The new library  
buildings in  
Parliament  
Square.

The new buildings were not completed till 1815, when the actual expenditure had so far exceeded the estimated cost as to amount to not less than £12,000.

A committee appointed to consider the state of the finances reported, in November 1815, that the existing revenue applicable to the support of the library at this time arose from the £20 fee paid by apprentices, from the annual tax of a guinea which gave £300, and from the tax on precepts passing the signet,<sup>2</sup> which averaged £60. The apprentice sum payable was now raised from £20 to £50. There had been on an average, during the preceding six years, forty-five apprentices admitted annually. The committee, assuming that there would be at least forty in future years, set down £2000 a year as a moderate estimate of the income to be expected from this source alone. The expenditure upon books had been in 1809, £450, and in 1814, £682. It was hoped that

<sup>1</sup> See *supra*, p. lxxiv.

<sup>2</sup> The first recorded instance in the minutes of the society exercising the right of levying extra dues or taxes on letters passing the signet was on 12th February 1753, in reference to a proposal to erect offices for the custom house and clerks of session, in which the society was to have a hall rent free. It was unanimously agreed to contribute 500 guineas towards the expense and to raise the amount "by a tax at the signet of one penny sterling upon each horning, sixpence upon each suspension or ad-

vocation, and five shillings upon each signature passing the signet." But as the building contemplated was not proceeded with, probably the tax at the signet was not levied. In the "account of the future management of the society's stock, 16th January 1744" (*Jardine Papers*, vol. i.), the keeper and commissioners state that "a considerable part of the present public stock and fund have arisen from a voluntary tax imposed by a general meeting of the whole body on letters and others passing the signet, which tax still subsists."



the increased revenues would admit of an additional expenditure of £300.

Financial  
difficulties.

Before, however, many years had passed the society found itself in the presence of serious difficulties. The pressure upon both the poor's fund and the library fund was more than these could well support. The act of parliament, instituting the widows' scheme, required payment from the society of the sum of one pound for each contributor to the scheme. This annual charge in 1804 amounted to £200, but in 1829 it had risen to £581, while the total amount paid from the commencement to 1830 was £9000. Moreover, notwithstanding these contributions to the widows' fund, large sums continued to be awarded by the society to deserving works of charity both within and without the brotherhood. Thus in the six years from 1806 to 1813, while the annual contribution to the widows' scheme amounted to £1715, the pensions granted reached a total of £1698, and gratuities awarded by warrants of the committee reached a further sum of £1336. Yet in 1812 the society gave £200 towards the charity workhouse, and in 1824 the sum of £273 to the relief of sufferers from the fire which took place in the Parliament Square on November 16th of that year. In 1832 another sum of £315 was contributed towards the charity workhouse.

On the other hand, with regard to the library fund, the increase of books involved increase of accommodation, and in 1828 it was agreed to purchase from the faculty of advocates the upper hall for the sum of £12,000.<sup>1</sup> Necessary alterations in the staircase and in the area of the buildings about the same time brought up the total to £14,616. In addition to this large expenditure there fell upon the society in 1834 a loss of £1545 by a failure of bankers.

Further  
difficulties.

It should be mentioned that meanwhile the interest due from the library to the poor's fund was, in 1824, £548, 7s. 1d. The number of members liable to the annual subscription of a guinea towards its payment was 443, and this left the debt £80 in excess

<sup>1</sup> See *supra*, p. lxxvi.

of the contribution. Another change was, in consequence, made in the mode of raising the requisite sum. Intrants henceforth were to pay on admission, in lieu of the annual guinea, £10, and apprentices £10 on entering into indenture, while existing members liable to the tax were invited to commute it for £5, 5s.

Before matters had come to the worst, a special committee, in 1830, had recommended an addition of £30 to be made to the fee of apprentices, and £22, 4s. 5d. be added to the payments made by intrants. These augmentations, which were approved by the society, brought the total of dues payable by intrants to £60, at which they still remain. The dues from apprentices were once more raised in 1842, when they became what they now are, £131, 1s. The committee of 1830 calculated that the additions recommended by them "would yield a total increase in the annual income of the society of £1133, 8s., and that there would be an annual surplus of about £800." The committee at the same time urged the amalgamation of the poor and library funds, the separation of which had caused complication and inconvenience. The union of the two funds was carried out in 1834.

Recommendation  
by committee on  
funds.

Nevertheless the sanguine expectations of 1830 were not realised. In 1835 the ordinary funds were unable to meet the demands for the annual contribution to the widows' fund, being £672; and, as the result of a petition from the collector of that fund, parliament (6 Will. IV. c. 22) relieved the society from the burden, which in another form was placed upon the apprentices. There was still no sufficient revenue independently of the dues from apprentices and intrants, and these dues, the annual total of which had always been subject to embarrassing fluctuations, now unfortunately underwent for a series of years a considerable diminution. In the six years 1824-1829 there had been 261 apprentices indentured and 219 intrants. In the six years from 1838 to 1843 there were on the other hand no more than 58 new apprentices and 44 intrants. In the ten years from 1824 to 1833 the receipts from their dues respectively amounted to



£41,522. In the ten years from 1838 to 1847 they had dropped to £15,269. Finally, in the three years 1855-7, there was an excess of expenditure over income to the amount of £2320; and now, once more (1857) a special committee was appointed to consider and advise upon the state of affairs.<sup>1</sup> The extreme measure of cutting down the expenditure on books to £150 a year was resorted to with reluctance, and on all sides the most rigid economy was practised. There was a deficit in 1859, again in 1860, and for the last time in 1869, when an outlay of £1455 was considered necessary for painting, repairs, and furniture; but with these exceptions, from 1857 to the present time, the income has always exceeded the expenditure.

Increase of  
intrants.

The number of intrants had indeed begun to increase a few years before 1857. The cause of the increase was perhaps in part the falling off in the number of members, which in 1836 had reached the high figure of 707. In 1844 it had fallen to 662, and in 1858 to 523. In 1885 the number was 366. The recent increase in the number of apprentices and intrants is remarkable. For, during the years from 1862 to 1874 there were 168 apprentices indentured and 118 intrants; in the same number of years, from 1876 to 1888, there were 301 apprentices and 187 intrants. Accordingly the funds of the society showed a rapid and marked improvement.

Financial  
improvement.

On 17th November 1862 it was reported that the whole debts of the society had been paid, and in 1868 the sum of £1500 was lent on debenture. In 1871 a further sum of £1000 was invested, while the free funds were £7468, and these continued to increase, until at 31st December 1889 they amounted to £44,886, 4s. 9d.

In this last year the income derived from interests and dividends was £1342, 9s. 11d., while the receipts from dues of intrants and apprentices were £4585, 2s. The total expenditure, on the other hand, including £959, 19s. 3d. for books and binding, was £4167, 10s. 7d.

<sup>1</sup> Report of the curators of the library and committee on funds, 1857, 8vo.

## CHAPTER IV.

### THE WIDOWS' FUND.

THE idea of instituting a widows' fund for the society of writers to the signet originated in 1780. Various plans for the establishment of such a fund were then suggested by the Rev. Dr. Alexander Webster, the founder of the ministers' widows' fund of the church of Scotland, Mr. William Keith, Mr. William Farquharson, and Mr. David Russell, accountants, Edinburgh, and others.

In 1780 life-assurance was but little known in Scotland, the great Scottish insurance offices, which have since proved so successful, not having been instituted until early in this century. Hence, in 1780 it was difficult to obtain anything like accurate data as to rates of mortality, etc., in Scotland, on which to base a scheme for such an institution as a widows' fund.

The church of Scotland's ministers' widows' fund had, it is true, been in operation since 1744, but the data which its experience could supply were insufficient to form a basis on which to found a widows' fund for this society. The matter was therefore, after considerable discussion among the members, allowed for the time to drop.

The agitation, however, caused some members to note for their own information particulars as to the annual number of intrants to the society, of the marriages and deaths of members, of the number of widows left, of the deaths of these widows, and of other statistics regarding the society.

In 1801, the proposal for a widows' fund was again revived, principally owing to Mr. John Campbell, tertius, W.S., who took a great interest in the matter, and who, from observations concerning the society, collected between 1781 and 1801, as well as from



the information afforded by the "Northampton tables" of mortality, which had then been recently published, and from the experience of the ministers' widows' fund, had prepared a detailed scheme for the establishment of a widows' fund for the society of writers to the signet.

January 1802.

The subject was now taken up seriously. In January 1802, Mr. William Keith, who had been consulted in 1780, and his partner, Mr. Robert Wilson, made a joint report on Mr. Campbell's scheme, and after very careful consideration it was finally determined, at a meeting of the society held on 7th February 1803, that a widows' fund for the writers to the signet should be instituted, and the meeting accordingly authorised the deputy keeper of the signet (Mr. Hugh Warrender) "to sign a petition to the house of commons for leave to bring in a bill for the establishment of a widows' scheme."

July 4, 1803,  
48 George III.  
chapter 107.

The promoters of the scheme forming a great majority of the society, soon obtained the necessary act of parliament, "for raising and securing a fund for making provision for the widows of the writers to his majesty's signet in Scotland."

By this act the requisite funds for the scheme were to be raised as follows:—

- (1) Members were to pay yearly £6, 6s. by way of annual contribution to the fund.
- (2) A marriage tax of £10 was to be levied on each marriage of original contributors, and an equalising tax of £1, 10s. was to be payable for each year that the age of the contributor might exceed that of his wife.
- (3) The sum of £1 per annum for each contributor was to be paid to the widows' fund out of the society's common fund.
- (4) A tax of £20 was to be paid by every apprentice entering into indenture with a writer to the signet; and
- (5) A tax of £1, 1s. was to be paid by members of the society for every clerk they enrolled at the signet office.

The annuity to be paid to widows of contributors was fixed at £50 (no annuity, however, was to be paid until the term of Whitsunday 1807), but whenever the accumulated funds should amount to a capital of £200 for every contributor to the scheme, the surplus was to be divided among the widows entitled to annuities.

The adoption of the act by the then existing members of the society was optional; but of the 295 members 194 acceded to the scheme, and became contributors to its funds. Of these acceding members 115 were married men. By the act it was made imperative on future members to contribute to the fund.

The assumption on which the scheme proceeded was that a capital of £200 for every contributor was sufficient to secure an annuity of £50 to each of the maximum number of widows which could come on the fund—and that such a capital sum per member would be many years in accumulating. It was found, however, within a very few years after the passing of the act, that the funds were accumulating much faster than had been anticipated, and they continued so to increase for many years.

In 1817 it became apparent that the fund would in a few years amount to the calculated sum of £200 of capital for each member. Moreover, as the clause (section 12) in the act, which provided for the surplus beyond that amount of capital being divided among the annuitants, would then come into operation, it was felt that a complete investigation into the affairs of the fund should be made, and the actual experience of the fund compared with the contingencies which had been calculated for. Mr. John Campbell, W.S., who, as already mentioned, was one of the original promoters of the scheme, again gave much consideration to the affairs of the fund. On 24th November 1817 he called the attention of the contributors to the injury which might be done to the fund if section 12 of the act (the clause which disposed of surplus above a capital of £200 per member) were allowed to come



c THE SOCIETY OF WRITERS TO THE SIGNET.

March 9, 1818. into operation. A committee was appointed to inquire into the matter, and Mr. John Scott and Mr. William Keith, accountants in Edinburgh, were asked to report on Mr. Campbell's statement. These inquiries resulted in its being determined to obtain an amendment of the act of parliament.

May 23, 1818. In the following May the act 58 George III. cap. 74 was passed :—

- (1) Repealing the clause in the old act whereby any surplus over a capital of £200 per contributor was to be paid to the annuitants on the Fund.
- (2) Abolishing the £1, 1s. tax on clerks enrolled at the Signet Office.
- (3) Providing for an additional payment by intrants over twenty-four years of age of a sum equal to half the rates and interest thereon which they would have paid had they become contributors at that age, and half the annual interest on marriage and equalising taxes from the date of marriage when the intrant was already married.
- (4) Providing for certain increased annuities to the widows then on the fund, and for increasing the capital of the fund towards ensuring permanency to the scheme for additional annuities.

May 1823. In May 1823 Mr. James Scott reported that the fund then amounted, as had been anticipated, to more than £200 for each of the 437 contributors to the scheme; and, accordingly, in terms of the last-mentioned act, the annuities were increased, as at Whitsunday 1824, to £70 to the widows who had been on the fund at the passing of that act, and £60 to the other annuitants.

October 31, 1828. No further change in the fund's affairs took place until 1828, when it was determined to obtain further reports from skilled actuaries as to the position of the fund, and these were accordingly

obtained from Mr. James Cleghorn, actuary and accountant, Edinburgh, and Mr. James Scott, accountant, who had formerly investigated the affairs of the fund. The reports of these gentlemen, and the experience of the fund since its institution, suggested several improvements in the scheme with reference to both its principles and the mode of management to be adopted for protecting the fund, and for securing adequate annuities to the widows, and it was felt that a new act of parliament was required to place the scheme on a satisfactory basis. Nothing definite, however, was done towards this until 1830, when the contributors resolved to apply for a new act of parliament. This was obtained in the following year, and the act 1 and 2 William IV. cap. 5, with the slight modification aftermentioned, continues to regulate the affairs of the fund at the present day.

The act of 1831, while repealing the prior acts, 43 George III. cap. 107, and 58 George III. cap. 64, was practically a consolidation act, and varied from these acts only in the following financial enactments:—

1. Intrants above 24 years of age, when becoming contributors to the fund, were to pay the *full* rate which they would have paid to the fund had they become contributors at that age, instead of the half rate formerly exigible.

2. The equalising tax payable on marriages was raised from £1, 10s. for each year the contributor was older than his wife, to £3, 10s. for each such year on *first* marriages, and a higher rate, varying according to the age of the contributor, on second and any subsequent marriages.

At the general meeting of contributors held on 17th June June 17, 1835. 1835, the collector of the fund reported that he had as usual applied to the treasurer for payment of £672, being the sum due from the common fund of the society, viz., £1, for each of the 672 contributors to the fund at Whitsunday 1835, in terms of section 13 of the act of 1 and 2 William IV. cap. 5, when



June 17, 1835.

March 7, 1836.

the treasurer had informed him that, owing to the annual income of the common fund having become insufficient to defray the necessary annual burdens thereon, he could not pay the sum due to the widows' fund without the special orders of the society. This led to a committee of contributors being appointed to confer with the trustees of the widows' fund, the curators of the library, and the society's committee on funds, and to report to the contributors what in the circumstances was best to be done. The inquiry resulted in a petition to parliament, craving leave to bring in a bill to amend the act 1 and 2 William IV. cap. 5.

In the following May the required act was obtained (6 Will. IV. cap. 22), by which the fifteenth clause in 1 and 2 William IV. cap. 5, which enacted that the sum of £1 for each contributor to the widows' fund should be paid to that fund out of the common fund of the society, was repealed, and it was enacted *inter alia* that—

- (1) Apprentices entering in future into indentures with writers to the signet should pay a tax of £30, in addition to the £20 payable under the prior act, making the apprentice tax in all £50; and
- (2) The annuity payable to the widows on the fund was raised to £75 per annum.

The act 1 and 2 William IV. cap. 5, as amended by the act 6 William IV. cap. 22, now regulates the affairs of the fund, under the direction of the trustees, who are the deputy keeper of the signet for the time *ex officio*, and six members of the society elected by the contributors, assisted by the collector, who has hitherto always been a member of the society, and who is annually elected by the contributors. The office of trustee is honorary. The collector is the only salaried official, he having the practical management of the fund, including the collection of its income and payment of the annuities to the widows of deceased contributors.

Although the election of the collector is annual, the office has been practically *ad vitam aut culpam*, for although the fund has

now been in existence for eighty-six years there have only been five collectors, viz :—

Mr. (afterwards) sir Adam Ferguson, from 1803 to 1806; Mr. Francis Napier, from 1806 to 1818; Mr. James Stuart, from 1818 to 1828; Mr. Walter Cook, from 1828 to 1861; and Mr. John Cook, who has held the office since 1861.

The accumulated funds at Whitsunday 1890 amounted to £232,783, 6s. 7d.

The annual contribution payable by contributors is £6, 6s. 7d., while the annuity to widows of deceased contributors is presently fixed at £80.

The *maximum* number of annuitants ever on the fund occurred at Whitsunday 1882, when there were 175 annuitants, but the number has since steadily decreased, and was 140 at Whitsunday 1890. The *maximum* number of contributors was reached at Whitsunday 1840, when the number was 685. The *minimum* number of contributors occurred at Whitsunday 1884, when it was 368. Since then the number of contributors has been increasing, and at Whitsunday 1890 it was 441.

The main cause of the prosperity of the fund at first was apparently the comparatively low rate of marriage among the contributors, and the consequent smaller number of annuitants coming on the fund. On the other hand, the members have not on the average attained their expectation of life, while the annuitants have considerably exceeded it.

The affairs of the fund are periodically investigated at intervals of seven years, in terms of sections 33 and 34 of the act 1 and 2 William IV. cap. 5, and the results of these investigations are duly reported to the contributors by the trustees, who conduct the inquiry with the assistance of an actuary. The rate of annuity to be paid to widows of contributors for the ensuing period of seven years is raised or reduced as the investigation shows to be expedient. The amount of the annuity has thus varied considerably since the



commencement of the fund. It began at £50 per annum, and was from time to time increased, till in 1866 it was raised to £90 per annum, at which rate it continued till 1887, when, on account of the low rate of interest, it was reduced on the recommendation of the reporter who conducted the septennial investigation to £80, the present rate.

The following septennial investigations have taken place since the act of 1831 :—

In 1837 by Mr. James Cleghorn, accountant.

In 1844 by Mr. Holmes Ivory, accountant.

In 1851 by Mr. Holmes Ivory, accountant.

In 1858 by Mr. Kenneth Mackenzie, C.A., F.F.A.

In 1865 by Mr. Kenneth Mackenzie, C.A., F.F.A.

In 1872 by Mr. Kenneth Mackenzie, C.A., F.F.A., and Mr. William Thomas Thomson, F.R.S.E.

In 1879 by Mr. Adam Gillies Smith, C.A.

In 1886 by Mr. John MacGregor M'Candlish, W.S., F.R.S.E., F.F.A.

A table is annexed showing the progress of the fund as regards the numbers of contributors and annuitants, the amount of the accumulated funds, etc., from the commencement of the scheme to Whitsunday 1890 :—

*STATE showing some particulars as to the progress of the Widows' Fund from Martinmas 1803 to Whitsunday 1890 inclusive.*

Year.	Contributors.	Annuitants.	Annuity.	Fund.	Increase.	Decrease.	Rate of Interest on Heritable Securities	
							Whitsunday.	Martinmas.
1803	194	0	No Annuity payable till Whitsunday 1807.	No Accounts.	...	...	...	...
1804	200	0		No Accounts.	...	...	...	...
1805	203	1		£7,822	...	...	...	...
1806	209	3		10,361	£2,539	...	...	...
1807	216	4		13,126	2,765	...	...	...
1808	224	7		£50 0 0	15,981	2,855	5	5
1809	237	9		50 0 0	19,153	3,172	5	5
1810	243	12		50 0 0	22,348	3,195	5	5
1811	252	11		50 0 0	25,686	3,338	5	5
1812	260	12		50 0 0	29,638	3,952	5	5
1813	280	18	50 0 0	33,309	3,671	...	5	5
1814	288	20	50 0 0	36,981	3,672	...	5	5
1815	297	23	50 0 0	40,950	3,969	...	5	5
1816	310	27	50 0 0	44,878	3,928	...	5	5
1817	319	28	50 0 0	49,142	4,264	...	5	5
1818	342	31	{ £50, £55, £60 & 65 0 0 }	60,753	11,611	...	5	5
1819	369	32	{ £50, £55, £60 & 65 0 0 }	65,957	5,204	...	5	5
1820	388	34	{ £50, £55, £60 & 65 0 0 }	70,792	4,835	...	5	5
1821	406	36	{ £50, £55, £60 & 65 0 0 }	76,009	5,217	...	5	5
1822	432	39	{ £50, £55, £60 & 65 0 0 }	81,869	5,860	...	5	5
1823	437	41	{ £50, £55, £60 & 65 0 0 }	88,128	6,259	...	4½	4½
1824	459	44	60 & 70 0 0	94,029	5,901	...	4½	4
1825	490	48	60 & 70 0 0	99,006	4,977	...	4	4
1826	514	52	60 & 70 0 0	104,660	5,654	...	4	5
1827	525	56	60 & 70 0 0	111,230	6,570	...	5	5
1828	560	58	60 & 70 0 0	117,559	6,329	...	5	4½
1829	583	59	60 & 70 0 0	125,419	7,860	...	4½	4
1830	629	59	60 & 70 0 0	132,533	7,114	...	4	4
1831	635	66	70 0 0	137,387	4,854	...	3½	3½, 4
1832	640	68	70 0 0	144,797	7,410	...	4	4
1833	646	70	70 0 0	151,878	7,081	...	4	4
1834	666	67	70 0 0	158,712	6,834	...	4	3½
1835	672	71	70 0 0	164,564	5,852	...	3½	3½
1836	685	70	70 0 0	171,411	6,847	...	3½	3½
1837	672	73	75 0 0	176,663	5,252	...	3½	3½
1838	684	80	75 0 0	183,342	6,679	...	3½	3½
1839	683	81	75 0 0	189,277	5,935	...	4	4
1840	685	81	75 0 0	195,829	6,552	...	3½	3½
1841	680	83	75 0 0	201,647	5,818	...	4	4
1842	668	92	75 0 0	207,568	5,921	...	4	4
1843	654	93	75 0 0	213,342	5,774	...	4	4

**No Heritable Securities held by Fund in these years.**



*STATE showing some particulars as to the progress of the Widows' Fund from Martinmas 1803 to Whitsunday 1890 inclusive—continued.*

Year.	Contri- butors.	Annui- tants.	Annuity.	Fund.	Increase.	Decrease.	Rate of Interest on Heritable Securities.	
							Whit- sunday.	Martinmas.
1844	648	96	£75 0 0	£217,583	£4,241	...	4	3½
1845	637	99	78 15 0	221,708	4,125	...	3½	3½
1846	634	96	78 15 0	226,239	4,531	...	3½	3½
1847	624	101	78 15 0	231,643	5,404	...	3½	4
1848	620	104	78 15 0	237,924	6,281	...	4	4
1849	615	109	78 15 0	245,767	7,843	...	5	5
1850	599	118	78 15 0	250,927	5,160	...	5	4½
1851	589	123	78 15 0	254,681	3,754	...	4	3½
1852	580	128	85 0 0	256,838	2,157	...	3½	3½
1853	567	125	85 0 0	258,365	1,527	...	3½	3½
1854	557	132	85 0 0	260,136	1,771	...	3½	3½
1855	544	134	85 0 0	263,313	3,177	...	3½	4
1856	534	136	85 0 0	265,693	2,380	...	4	4
1857	532	141	85 0 0	267,812	2,119	...	4	4
1858	516	147	85 0 0	268,972	1,160	...	4	4
1859	506	155	85 0 0	269,264	292	...	4	4
1860	504	155	85 0 0	269,411	147	...	4	4
1861	508	157	85 0 0	268,987	...	£424	3½	3½
1862	498	158	85 0 0	265,644	97	...	3½	4
1863	501	152	85 0 0	266,811	1,167	...	4	4
1864	488	149	85 0 0	266,178	...	633	4	4
1865	479	150	85 0 0	267,691	1,513	...	4	4
1866	465	153	90 0 0	268,125	434	...	4	4
1867	449	157	90 0 0	268,775	650	...	4	4, 4½, 4½
1868	439	162	90 0 0	268,295	...	480	4, 4½, 5	4, 4½, 4½
1869	432	169	90 0 0	267,155	...	1,140	4, 4½, 4½	4, 4½, 4½
1870	418	171	90 0 0	266,276	...	879	4, 4½, 4½	4, 4½, 4½
1871	409	168	90 0 0	265,385	...	891	4	4
1872	408	170	90 0 0	263,635	...	1,744	4	4
1873	409	172	90 0 0	262,238	...	1,397	4	4
1874	407	173	90 0 0	260,339	...	1,899	4	4
1875	400	172	90 0 0	258,374	...	1,965	4	4
1876	400	165	90 0 0	256,895	...	1,479	4	4
1877	391	165	90 0 0	255,636	...	1,259	4	4
1878	384	169	90 0 0	253,359	...	2,277	4	4
1879	383	169	90 0 0	250,725	...	2,634	4	4
1880	385	169	90 0 0	249,675	...	1,050	4	4
1881	381	174	90 0 0	247,620	...	2,055	4	3½
1882	381	175	90 0 0	244,328	...	3,292	3½	3½
1883	371	172	90 0 0	240,868	...	3,460	3½	3½
1884	368	167	90 0 0	238,071	...	2,797	3½	3½
1885	374	163	90 0 0	235,317	...	2,754	3½	3½
1886	388	161	90 0 0	233,001	...	2,316	3½	3½
1887	399	158	80 0 0	231,846	...	1,155	3½	3½
1888	409	156	80 0 0	231,607	...	239	3½	3½
1889	419	149	80 0 0	231,909	302	...	3½	3½
1890	441	140	80 0 0	232,783	874	...	3½	3½

## CHAPTER V.

### THE CHAIR OF CONVEYANCING.

THE chair of conveyancing in the university of Edinburgh, which is endowed by the society, was not established until 1825. Upwards of thirty years before that date, however, the society had provided for systematic public instruction on the subject by the appointment of one of its own number as lecturer upon conveyancing. It is now proposed to trace the circumstances attending the foundation of that lectureship, and the steps by which it was subsequently raised, by the exertions of the society, to the position of an academic chair.

The subject of conveyancing, as to both theory and practice, has always been regarded by the society as peculiarly its province; and, from an early period, although there was no public teaching of the subject, the members of the body generally looked upon the instruction of their apprentices in conveyancing as not only their duty but as one of the privileges of the body which ought not to be committed to others. Evidence of this will be found in the fact that when, about the middle of last century, one of their number, Mr. John Mackenzie of Delvine, brought before the society a proposal for public instruction upon the subject by the foundation of a chair of conveyancing, it was rejected on the ground that it would interfere with the duty of masters in the teaching of their apprentices in chambers. Again, in 1773, a similar proposal to have public instruction on conveyancing was reported against by a committee to which it had been remitted: The society on considering this report resolved that it was "the duty of writers to the signet to instruct their apprentices in the several branches of their business, and to use all necessary means by practice, prelection, and

The study of  
conveyancing.



examination, to discharge that duty. That, as the knowledge of styles is their proper province, the plan proposed would, in their apprehension, import an acknowledgment of their incapacity or want of inclination to do their duty; and that, as the expense of educating young gentlemen had of late been greatly augmented, it was matter for consideration how far it would be proper to subject them to further expense."

The society as a body was anxious to preserve intact what it considered both a duty and a privilege, which could not, without injury, be intrusted to others; and its individual members endeavoured to give a competent knowledge of conveyancing to those about to enter the society by "practice, prelection, and examination." But the impression gained ground that the instruction of the most zealous and able practitioners, delivered to their apprentices as the avocations of business might permit, was not an adequate substitute for more systematic teaching. As a result of this, a member of the society, Mr. Walter Ross, in order to afford to some extent such instruction, determined to give a private course of lectures upon "the history and practice of the law of Scotland relative to conveyancing and legal diligence." Accordingly, during 1783 and 1784, he delivered two short courses of lectures upon the subject.

Mr. Ross' lectures.

Other engagements unfortunately prevented him from again lecturing, and from going on with the preparation of the complete course of lectures which he had intended. The publication, however, after his death, of those he had delivered, shows how eminently qualified Mr. Ross was for the duty he had undertaken. Even to the present day the ability and research exhibited in these lectures afford the student of conveyancing much valuable information as to the origin and history of many of our most important deeds.

Mr. Ross had not specially sought the recognition of his project by the society, but the success of his lectures was so apparent as in great measure to remove the jealousy with which the former

proposals for public instruction in conveyancing had been regarded. Accordingly, when in 1793 one of its members, Mr. Robert Bell, brought forward a proposal that the society should give its approval and authority to his going on with a collection of decisions of the court of session dealing with conveyancing, which he had commenced, the society not only entertained the proposal as originally made, but added a scheme of public instruction in conveyancing, which Mr. Bell had subsequently suggested.

The proposal was brought before a general meeting of the society by the deputy keeper in May 1793, when a letter from Mr. Bell on the subject was read. It was then moved by Mr. William Macdonald: "That it is the duty of the society to promote the study of conveyancing, and as it appears necessary for the proper attainment of this object that one of the members should be appointed to deliver annually a course of lectures on the theory and practice of conveyancing, and to collect the decisions of the court of session, and in a particular manner those decisions which more immediately relate to our own department," the society do "resolve that in future one of its members shall be elected to fill these offices, and as an encouragement to the undertaking of this important charge, that from the period of the commencement of the said course of lectures, every candidate who applies for admission into the society shall produce to the examiners a certificate of his having attended a course of lectures, and that every apprentice shall in future, during his apprenticeship, attend at least one course. Secondly, that as Mr. Bell had proposed and bestowed great pains upon this plan, he should be named by the society to the office."

Mr. Macdonald's  
motion.

The society, however, was not prepared to dispose of these resolutions without further consideration, and it was resolved that they should lie on the table until next general meeting, and that Mr. Bell should be requested to prepare and submit to the society, in the meantime, a plan of his proposed lectures, and of the mode and period of delivering them.



Establishment of  
lectureship by the  
society.

Shortly after this Mr. Bell submitted a general plan of the course of lectures which he proposed, embracing a wide field of instruction, in both the theory and the practice of conveyancing, with an elaborate introduction explaining the scheme. This having been printed and distributed amongst the members, the society at its general meeting, on 27th November 1793, approved of the plan, and resolved "that in future one of the members shall be appointed to deliver annually a course of lectures on the theory and practice of conveyancing, and to collect the decisions, and appoint Mr. Robert Bell to fill these offices." It further voted him a sum of £105 for his past labours in connection with the decisions; and, a remit having been made to a committee to consider and report as to his future salary, it was resolved at a subsequent meeting, on 16th December 1793, that Mr. Bell should receive an annual salary of sixty guineas as collector of decisions.

It will be seen from this, that the portion of Mr. Macdonald's original motion which made attendance upon the course of lectures on conveyancing compulsory was omitted from the resolution of the society, and further that no salary was attached to the lectureship, the salary given being for the collection of decisions alone. The fact that an attendance on the course of lectures was not made compulsory on apprentices arose, apparently from the feeling in the minds of some, that, as attendance on the lectures delivered from the Scots law chair in the university was already obligatory on all apprentices, it was inexpedient to add another compulsory class. The omission to attach a salary to the lectureship was due entirely to the circumstance that Mr. Bell could not lecture for upwards of a year to come, when it would be time enough to consider the question of the salary to the lecturer.

Accordingly, though appointed in November 1793, Mr. Bell was not in a position to begin lecturing until December 1794, when he delivered a short course which dealt with only a comparatively small portion of his subject; and it was not till the winter session of

1795-96 that he was able to complete and deliver the lectures on the first part of his course, which embraced the constitution and transmission of heritable rights and kindred subjects.

Mr. Bell having found difficulty in procuring a suitable place for the delivery of his lectures, the society, on 1st July 1795, gave him the temporary use of its hall for that purpose during that year. Where his lectures were subsequently delivered does not appear, but at the general meeting of the society on 4th February 1811, Mr. Macvey Napier called attention "to the situation of the class of conveyancing, which he conceived to be degraded, and its utility impaired, by its exclusion from the society hall, in consequence of which Mr. Bell was obliged to deliver his lectures in a mason lodge, and moved 'that Mr. Bell be permitted to lecture in the hall at such hour as the society should deem most convenient.'"

The motion was appointed to be taken into consideration at next general meeting, on 27th May thereafter, when it was agreed to allow the use of the hall to the lecturer on conveyancing during the pleasure of the society.

Although Mr. Bell's lectures did not even yet embrace the whole of the scheme which he had submitted to the society, the utility of the lectureship, and the ability of the lecturer, had been so clearly shown, that it was considered due to him to annex a salary to the office without waiting for the completion of the full course of lectures originally contemplated. In the meantime, however, it had become evident that so long as attendance on the courses of lectures on civil law and Scots law alone was required of apprentices, the lectureship on conveyancing was placed in an unfair position. Accordingly, both matters having been brought before a general meeting of the society, on 30th May 1796 it was resolved:—(1) "that every candidate for the office of clerk to the signet shall have attended three courses of law classes, viz., one course of Scots law, one course of conveyancing, and a third course either of Scots law, conveyancing, or civil law"; and (2) "that a salary

Mr. Bell's lectures.



should be annexed to the office of lecturer on conveyancing." A remit was made to a committee to report on the amount of the salary and the source from which it should be raised. This committee recommended that a salary which was estimated at £40 should be raised by requiring every apprentice on entering into indenture to pay £1, 1s. to the person appointed to receive the library money, who should account for it to the lecturer. Their report having been printed and circulated, was approved of by the society at a general meeting, on 11th July 1796. Mr. Bell therefore had now a salary of sixty guineas as collector of decisions and the produce of the tax of a guinea on every apprentice who should enter on indenture, besides a fee of £3, 3s. from each student attending his lectures, being the same fee as was paid to the professors of Scots law and civil law.

Collector of  
decisions.

The appointment of a collector of decisions in connection with the lectureship was originally made under the idea that the collection undertaken by Mr. Bell had the approval of the judges of the court of session. This, however, appears not to have been the case; and the society, having learnt that the court did not look with favour upon the collection, appointed a committee to inquire into the nature of the objections to it.

Mr. Bell, in the meantime, *ex proprio motu*, had addressed a letter to the lord president explaining the grounds of his belief that he had obtained the sanction of the court to his undertaking, stating his readiness to give it up so far as he was individually concerned, and expressing a hope that the lectures on conveyancing, in which the society was mainly interested, might receive the sanction and encouragement of the court. This letter was communicated by Mr. Bell to the committee of the society to which it had been remitted to report on the subject. The committee reported to a general meeting of the society, on 5th December 1796, that, as it had considered Mr. Bell's proposal extremely proper, a meeting had been sought with the judges, and that

“lord president Campbell, who declared the sentiments of the court, approved highly of the institution of a course of lectures on conveyancing, considered it a *desideratum* in the legal education of the country, and as in every view an institution which deserved the protection and patronage of the court. His lordship also thought that everything should be done to promote the institution and to place it on a respectable footing, and, with that view, that it deserved the consideration of the court whether countenance should not be given to an application for having it made a professorship. Lord Eskgrove then proposed that, in order to bring the matter regularly before the court, a memorial stating the nature of the institution should be laid before them, and to this the other judges agreed.”

The committee therefore recommended:—“(1) That the collection of decisions should be given up. (2) That the salary annexed to the office of collector should be added to the office of lecturer on conveyancing. (3) That every exertion ought to be made by the society for placing the office of lecturer on the most respectable footing, and that proper steps should be taken for obtaining a professor’s chair in the university; and, with that view, that a memorial in the terms of the memorial hereto annexed should be signed by the deputy keeper in name of the society, and presented to the court.”<sup>1</sup>

It is unnecessary to give the terms of the memorial at any length, but it may be stated that it set forth fully the circumstances attending the establishment of the lectureship in conjunction with the collection of the decisions and the intention of the society to give up the latter and to endow the office of lecturer, as the sole object of the institution, with a salary of £100 a year. It further stated the object of approaching the court in the following terms:—“The memorialists have formed this resolution upon full deliberation, actuated by no selfish policy, desirous of no preference to their

Memorial in  
favour of a pro-  
fessor’s chair in  
the university.

<sup>1</sup> Jardine’s *Signet Papers*, “Report of the committee,” vol. i. No. 7.



lectureship which it does not deserve; and, anxious only to point out to those young men with whose education they are intrusted a beneficial and useful plan of study, they have cheerfully appropriated a considerable annual allowance for this new institution."

"It is under the conviction that this is a matter of public utility as well as of professional benefit that the memorialists presume to call your lordships' attention to the subject. They are desirous of representing it to his majesty's ministers as an object worthy of encouragement. They cannot, indeed, expect in these times any pecuniary aid from government; but they are desirous, under your lordships' sanction, of obtaining for this establishment a professor's chair in the university of Edinburgh, and they flatter themselves that this proposal may appear in such a light to your lordships as to enable you to give it the weight of your approbation."

Objections to  
the chair.

The report, with the accompanying memorial, having been approved of by the society, the memorial was forthwith presented to the court. The court, however, notwithstanding its public approbation of the lectureship already specified, was not prepared to recommend the application as an object worthy of encouragement before ascertaining the opinion of the faculty of advocates, and directed it to be communicated to them for their consideration. The faculty remitted it to the dean and council, with instructions to consider and report as to the expediency of the proposed establishment of a professorship of conveyancing, and they shortly afterwards reported that, in their opinion, the proposal was liable to many strong and solid objections which they thought ought to determine the faculty to oppose its being carried into execution. Their main objections were the impossibility of detaching those doctrines which relate to the forms, styles, and contents of deeds from the general science of Scots law; the injury to the public that would arise from the separation of "the more liberal and scientific parts of the law from the subordinate and practical parts," and the injury the creation of a rival professorship of Scots law in the university would have on "the interest and just emoluments

of the present endowments of which the faculty of advocates are the patrons, thereby preventing the discharge of its duties from being a primary object to men of talents and liberal education." For these and other reasons the dean and council recommended that the faculty should express its disapprobation of the plan, and take such measures as might seem expedient for preventing its being carried into execution. This report, having been approved of by the faculty, was presented to the court, which resolved to take no action in the matter; and the society, apparently thinking it useless to press the proposal in the face of such determined opposition, for thirty years took no further steps towards raising the lectureship to the position of an academic chair.

It was not until the autumn of 1797 that Mr. Bell was able to lecture upon the second part of his subject, which then embraced the full plan of lectures originally proposed. This he then divided into two courses delivered in separate sessions. The first, extending to fifty lectures, was devoted to deeds in general and the constitution and transmission of heritable rights and real diligence, forming the subject of one course, and the other, extending to thirty lectures, was devoted to moveable rights and personal diligence. A fee of £2, 2s. was required from each student for the first course, and £1, 1s. for the second, attendance upon both courses being required in order to entitle students to a certificate.

The arrangement by which £40 of the salary attached to the lectureship was dependent on the £1, 1s. tax imposed on all apprentices on entering into indenture, had not proved satisfactory. Accordingly, when in 1802 the society had it in contemplation to raise the apprentice fee so as to increase the general funds, Mr. Bell took occasion to address a letter to the deputy keeper, in which he stated that, during the five years which had elapsed since the tax in question had been imposed, it had yielded on an average an annual sum of only £29 instead of £40 which it had been intended to produce, and that any increase to the general

Salary attached  
to the lecture-  
ship.



apprentice fee would probably still further reduce that amount, by lessening the number of those entering on indenture. He therefore suggested that a small addition might be made to the tax of £1, 1s. in order to carry out the intentions of the society in imposing it.

Mr. Bell's letter was brought before a general meeting of the society on 28th June 1802. Some dissatisfaction having then been expressed because of his having divided his lectures into two separate courses, thereby causing expense and inconvenience to the students, the whole matter was remitted to a committee for consideration. Mr. Bell thereupon submitted a memorial explaining his reasons for the division, and stating that although it had caused no additional expense to the students, he would give it up and would in future comprise his whole subject in one course of lectures. Regarding the increase of salary, he stated that his whole emoluments from the lectureship during the preceding five years had amounted on an average to only £140 per annum.

The committee having considered Mr. Bell's memorial, reported that it was satisfied that no additional expense had been thrown on apprentices by the division of the course of lectures. It, however, approved of his proposal to have only one course for the future, and in regard to increase of salary further recommended that a small addition should be given in order to make up the sum originally intended.<sup>1</sup> The report, having been printed and circulated, was brought before a general meeting of the society on 29th November 1802, when it was approved of so far as regarded Mr. Bell's intention to discontinue the division of the course, but disapproved in so far as it recommended an addition to the salary of the lecturer.

Mr. Bell does not appear to have been discouraged by either the smallness of the emoluments which he had hitherto derived from the lectureship, or the failure to have his salary placed upon a more satisfactory footing. He continued to discharge the duties of lecturing to a gradually increasing number of students

<sup>1</sup> Jardine's *Signet Papers*, vol. i.

with great ability and success, until his death in 1816. The credit is due to him of having originally suggested the lectureship, and while the wisdom and public spirit of the society in adopting and giving practical effect to his suggestions by founding and endowing it must be acknowledged, it cannot be doubted that it is to his ability and zeal in discharging his duties through many discouragements that we owe the success of the foundation. In addition, however, to giving much of his time to the discharge of these duties, Mr. Bell was also able to devote himself to literary work. During the earlier period of his lectureship, he prepared for the press and published his lectures on the testing clause, and treatises on deeds, on completing titles, and on leases, all of them useful works, though now out of date. His *Dictionary of the Law of Scotland*, to which he owes his character as an eminent legal author, was published in 1807, and, from its learning and research, was very soon accepted as a standard authority on the subject. Unfortunately he did not live long enough to know how highly this work was appreciated by the profession at large, but the numerous editions of it which have been called for since his death, bringing down the law without material alteration to their several dates of publication, show how good was the original conception of the book, and how excellent was its execution.

Mr. Bell's  
publications.

The office of lecturer having become vacant by the death of Mr. Bell, the society availed itself of the offer of his brother, Mr. George Joseph Bell, who afterwards worthily filled the chair of Scots law in the university, to read the late professor's lectures until such time as a successor should be appointed. In December 1816, the society, from several candidates who sought the office, elected to the vacant lectureship, Mr. Macvey Napier, then librarian to the society.

Appointment of  
Mr. Macvey  
Napier as  
lecturer.

Although the society, on the failure of its application in 1796 to have the lectureship raised to the position of a chair in the university, had resolved rather to await the effects of time and experience than to urge its wishes in face of the powerful opposition which had been manifested, and though for many years no



Renewed proposals for a professor's chair.

further active steps were taken for attaining the object desired, it was never lost sight of. The matter was again brought before the society by the deputy keeper at the general meeting on 21st November 1821, when a committee was appointed to resume consideration "of the propriety of applying for a professor's chair in the university of Edinburgh for the course of lectures instituted by the society, and to adopt such measures as might seem to them most prudent in the view of promoting the success of that object, thereby increasing the respectability of an institution the usefulness of which had been demonstrated by ample experience."

The committee so appointed, with the valuable aid of Mr. Thomas Thomson, advocate, proceeded to prepare a statement setting forth at considerable length the causes which had induced the society to found the lectureship, and the reasons for wishing to see the usefulness and respectability of the institution increased by having a professor's chair attached to it. From unavoidable causes this statement was not completed until February 1823, when the committee devolved upon two of its number, the deputy keeper and sir Robert Dundas, the duty of bringing it before the heads and judges of the court and the dean and faculty of advocates, with the view of ascertaining their sentiments, as well as before the lord provost and town council and the principal of the university.

The sub-committee so appointed having had the statement printed and presented to the court and to the faculty of advocates,<sup>1</sup> the lord president, after consultation with the judges, informed it that the matter was one on which they did not consider that the court was called upon to express an opinion.

The faculty of advocates, on the matter being brought before them, remitted it to the dean and council for consideration and report. They, however, could not agree upon the terms of that report; and the faculty accordingly adjourned consideration of the matter

<sup>1</sup> Jardine's *Signet Papers*, vol. iii.

until such time as their former report on the subject should be re-printed and circulated among the members. The sub-committee of the society being of opinion that the old objections stated to the professorship by the faculty in 1796, which it was thus proposed to reprint and circulate, could be satisfactorily answered from the experience of the benefits conferred by the lectureship during the period which had since elapsed, prepared "observations" on the faculty's report of 1796.<sup>1</sup> These they printed and circulated. The subject having been again brought before a full meeting of the faculty on 8th July 1823, a motion approving of the raising of the lectureship to a chair of conveyancing was defeated by only fifty-five votes to fifty-one, whereupon thirty-three of the minority, including many of the most eminent members of the bar, and amongst them Mr. George Joseph Bell, the distinguished professor of Scots law, lodged a formal dissent setting forth reasons against the resolution which had been carried.<sup>2</sup>

The committee reported to the society, at the general meeting on 12th July 1823, the result of the application to the faculty of advocates, with an expression of opinion that the vote of the faculty did not appear by any means calculated to damp the society's expectation of success in the object which it desired. The meeting approved of what had been done, and re-committed the matter, with a recommendation to the committee "to take all such measures as they should deem most expedient for attaining the object of obtaining a professor's chair in the university for the lecturer on conveyancing and his successors, and to enter into such transactions and agreements with the patrons of the university as they might consider fit and expedient in order to prevent disappointment of the pretensions which had been, by a narrow majority in the faculty of advocates, so unreasonably resisted and opposed."

The committee having thereupon determined at once to approach the lord provost, magistrates, and council of the city,

Letter to the  
town council.

<sup>1</sup> Jardine's *Signet Papers*, vol. iii.

<sup>2</sup> *Ibid.* vol. iii.



patrons of the university, on the subject, addressed a letter to them on 17th July 1823, setting forth succinctly the whole circumstances of the case, praying them, in virtue of their prerogative as patrons, to establish a chair of conveyancing in the university, and engaging to provide for it a perpetual endowment of at least one hundred guineas. The letter further suggested that Mr. Macvey Napier, who then held the office of lecturer, should be appointed the first professor, and that the mode of filling up vacancies thereafter should be determined by a conference between the committee and a committee of the town council.

Opposition of the  
lord provost.

A printed copy of this letter, along with copies of the various statements and proceedings which were referred to in it, was laid before the town council, and the committee shortly afterwards had an interview on the subject with sir William Arbuthnot, who was then lord provost. He received them with "polite attention"; but at the next meeting of the council, on his motion, without reasons given, or any discussion whatever, the application of the society was refused.

The committee, deeming it useless to combat the hostility of the lord provost, thought it prudent to take no further steps in the meantime, but to await the time when there was reason to hope that a change in the magistracy might lead to a different result.

Accordingly, when, in the following year, the civic chair came to be filled by Mr. Alexander Henderson, the committee solicited a conference with the lord provost and magistrates, and it had an opportunity in the autumn of 1824 of laying its views before them, with the best result; for his lordship, on 24th November 1824, brought the matter before a meeting of the town council, and spoke strongly in favour of the proposed chair. In consequence, however, of the strenuous opposition of one of the councillors it became necessary to postpone the decision until a subsequent meeting. The serious illness of the lord provost prevented his being present at the next meeting of the town council, on 1st December 1824,

but the views which he had so strongly urged at the previous meeting were adopted by the great majority of the council; and, on a division, the proposal to establish a chair of conveyancing in the university, of which Mr. Macvey Napier should be the first professor, was carried by a majority of twenty-five to four. At a subsequent meeting, after some discussion, a proposal of the committee that future vacancies should be filled by five delegates, two of them to be chosen from the town council, and two from the society of writers to the signet, together with the deputy keeper, was carried by a majority.

Establishment  
of the chair,

The committee reported the favourable result of their labours to a general meeting of the society, held on 25th January 1825, when the cordial thanks of the writers to the signet were unanimously voted to lord provost Henderson and the magistrates and council for the establishment of the chair. The deputy keeper also conveyed to Mr. Napier the congratulations of the society on his appointment, expressing, at the same time, "their confident expectation and belief that he will, with unabated zeal and energy, exert his best abilities for the purpose of establishing the legal character of the science which he is appointed to teach, and that he will accomplish this in such a manner that the name of the first professor of conveyancing will be transmitted to posterity with a celebrity which cannot fail to communicate its influence to his successors, and to the society of which he is a member."

Mr. Napier  
appointed  
professor.

The exertions of the society in thus getting the lectureship on conveyancing raised to the dignity of a university chair were rewarded by a very considerable increase in the number of students who availed themselves of the lectures, and professor Napier continued to discharge the duties of the chair with great ability and success until his death, in his seventy-first year, in February 1847. In the long period of thirty-one years during which he filled the offices, first of lecturer and subsequently of professor, although much engaged in literary pursuits, he never allowed these to interfere in



any way with his academic duties, but fully justified the expectations and belief expressed by the society in their congratulations on his appointment to the professorship.

Mr. Menzies  
appointed to  
the chair.

Mr. Allan Menzies, W.S., who was appointed to the vacant chair of conveyancing on the death of Mr. Napier, had early given evidence of literary tastes. While a student of law in the university he had been one of the competitors for the prize of £100 given by the university commission of 1826 for the best essay on "the national character of the Athenians." Mr. John Brown Patterson, then certainly the most eminent student of the University, carried off the prize, but the essay of Mr. Menzies showed such great ability as to cause the senatus to confer upon him the very unusual distinction of the degree of "*M.A. honoris causa*."

Shortly after he had become a member of the society, the commissioners of the signet, under whose charge a fund of £120,000 had been left by Mr. James Dick, a London merchant, for the purpose of assisting schoolmasters and promoting education in the counties of Aberdeen, Banff, and Moray,<sup>1</sup> appointed Mr. Menzies their clerk in the management of the bequest, an office which practically laid upon him the duty of organising the system upon which this large fund was to be administered.

Mr. Menzies entered upon the discharge of his difficult duties with great zeal and energy. For a period of years he on frequent occasions personally superintended the examinations in many of the schools in these counties; he advised with the teachers in regard to the state of their schools and their methods of teaching; he regularly reported to the commissioners, advising with them as to the progress and result of the work; and through his untiring efforts the scheme gradually became developed into a great system which has been the means of raising education in these counties to a very high standard.

Although the office of clerk to the Dick bequest necessarily

<sup>1</sup> See *supra*, p. lix.

occupied a considerable portion of his time, Mr. Menzies had given much attention to the duties of his profession, and more especially to conveyancing. Accordingly, when the conveyancing chair became vacant, on professor Napier's death in 1847, he offered himself as a candidate for the office; and although he had as a competitor Mr. Alexander Duff, the able author of a treatise on *Feudal Conveyancing* and other legal works, the society by a large majority elected Mr. Menzies to the vacant chair.

He showed as professor the same untiring zeal and energy in the discharge of his new duties as he had done in the management of the Dick bequest.

Mr. Bell and professor Napier had been in the practice of testing the progress of their students principally by oral examinations. Professor Menzies, owing to deafness, finding himself unable to pursue the same method in a satisfactory manner, at once substituted for it the plan of frequent written examinations in the class-room, without the aid of book or notes, a system which, though entailing on the professor a largely increased amount of work, proved a more efficient test of progress than oral examinations, and has been followed by his successors in the chair.

His constitution, which was never robust, unfortunately broke down under the strain of his multifarious duties, and after filling the chair for a period of nine years, with an ability and success certainly not inferior to that of his distinguished predecessor, he died in February 1856, at the early age of fifty-two. His *Lectures on Conveyancing*, which were published a short time after his death, were highly appreciated by the profession, and have reached a third edition. Though they do not bring down the law to so late a date as those of his successor, to be afterwards noticed, they will always remain distinguished by their lucidity of expression and elegance of composition, while at the same time they testify to the thorough knowledge which the author possessed of both the theory and the practice of conveyancing.



Election of Mr.  
Montgomerie  
Bell.

On the death of professor Menzies in 1856, Mr. Alexander Montgomerie Bell, W.S., offered himself as a candidate for the vacant chair. Having been apprentice to Mr. John Dundas, W.S., in whose firm he afterwards became a partner, he had early devoted himself to the study of conveyancing, and from the ample opportunities he had for applying his knowledge to practice, he soon became an accomplished conveyancer. So much indeed was this acknowledged by the profession at large that, when he became a candidate for the chair of conveyancing, no one else came forward as a competitor for it, and he was unanimously elected to fill the vacancy. It might have been thought that, coming as he did after so eminent a predecessor as professor Menzies, his task would be a difficult one; but from the first his lectures showed his thorough practical knowledge of his subject, and his power of imparting that knowledge to his students. Unfortunately, like his predecessor, his constitution could not stand the strain which the additional work of the chair laid upon him, and after lecturing with great ability and success for nearly ten sessions, he died in January 1866, at the early age of fifty-four.

His lectures, which at his own request were published shortly afterwards, though perhaps not marked by the elegance of composition which distinguished those of professor Menzies, were much appreciated for their exhaustive and eminently practical character not only by students of conveyancing, but by the profession at large. Some years ago they reached a third edition, which brought down the law to the date of publication.

Election of Mr.  
James S. Fraser  
Tytler.

On professor Montgomerie Bell's death in 1866, Mr. James S. Fraser Tytler, W.S., was elected to fill the vacant chair, which he still holds.

Success of the  
chair of convey-  
ancing.

The success of the chair of conveyancing, of which the history has thus been traced, is clearly shown by the increased number of students who take advantage of it. Although, from the first establishment of the lectureship in 1795, attendance on the lectures was compulsory on all who sought admission to the society, its

records give no information as to the number of those students who did not come under this category. There is little doubt, however, that the raising of the lectureship to the position of a university chair greatly extended its sphere of usefulness. This is shown by the society of solicitors in the supreme courts having likewise in 1851 required attendance on the lectures on conveyancing from all intending intrants to that body. The faculty of advocates also subsequently added the course on conveyancing to the curriculum of legal study for all future members of the bar; and the society of chartered accountants afterwards took a similar step in regard to entrance to that body.

The university records do not give any information as to the number of students attending the individual chairs until 1859. It has been impossible therefore to ascertain the extent of the attendance while professor Napier held the chair, though there is no doubt that it had increased greatly from that during the lectureship. During Mr. Menzies' tenure of the professorship (1846-1856), the number of students varied from 99 his smallest number in 1851-52, to 114 his largest in 1855-56. In the latter years of professor Montgomerie Bell's tenure of the chair the average number was 120. The number of students after 1866 gradually increased until 1874, after which it rapidly rose in consequence of the operation of the Law Agents Act of 1873 and the relative act of sederunt requiring attendance of university courses of lectures on Scots law and conveyancing from all future applicants for admission to the body of law agents. Although it is satisfactory to note this public recognition by the supreme court of the value of the lectures delivered from both of these chairs, it is still more so to add that the value of the lectures is fully recognised by the students themselves. The court in 1886, on finding that it had exceeded its powers in requiring, under the act of sederunt of 1873, a particular curriculum of legal study, passed another act making attendance on these lectures no longer necessary for future intrants to the body of



law agents. This apparently has had little effect in diminishing the number of students; for while the average number in the conveyancing class during the last three years in which attendance was compulsory (1885-1887) was 202, during the three years which have since elapsed, when attendance was not compulsory, it has been 195. These figures, it is thought, are sufficient to show that the founding and endowment of the chair of conveyancing by the society was a wise step, and that it has been duly appreciated by the legal profession in Scotland.